

Washington State Register

August 21, 2002

OLYMPIA, WASHINGTON

ISSUE 02-16



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CITATION

Cite all material in the Washington State Register by its issue number and sequence within that issue, preceded by the acronym WSR. Example: the 37th item in the August 5, 1981, Register would be cited as WSR 81-15-037.

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 34.05 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (360) 786-6697.

REPUBLICATION OF OFFICIAL DOCUMENTS

All documents appearing in the Washington State Register are prepared and printed at public expense. There are no restrictions on the republication of official documents appearing in the Washington State Register. All news services are especially encouraged to give wide publicity to all documents printed in the Washington State Register.

CERTIFICATE

Pursuant to RCW 34.08.040, the publication of rules or other information in this issue of the Washington State Register is hereby certified to be a true and correct copy of such rules or other information, except that headings of public meeting notices have been edited for uniformity of style.

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

(Computed and filed by the State Treasurer under RCW 19.52.025)

The maximum allowable interest rate applicable for the month of August 2002 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

NOTICE: FEDERAL LAW PERMITS FEDERALLY INSURED FINANCIAL INSTITUTIONS IN THE STATE TO CHARGE THE HIGHEST RATE OF INTEREST THAT MAY BE CHARGED BY ANY FINANCIAL INSTITUTION IN THE STATE. THE MAXIMUM ALLOWABLE RATE OF INTEREST SET FORTH ABOVE MAY NOT APPLY TO A PARTICULAR TRANSACTION.

WASHINGTON STATE REGISTER

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The Washington State Register is an official publication of the state of Washington. It contains proposed, emergency, and permanently adopted administrative rules, as well as other documents filed with the code reviser's office pursuant to RCW 34.08.020 and 42.30.075. Publication of any material in the Washington State Register is deemed to be official notice of such information.

John G. Schultz
Chair, Statute Law Committee

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Code Reviser

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Chief Assistant Code Reviser

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Editor

Joyce Matzen
Subscription Clerk

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following eight sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Inquiry that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (c) **EXPEDITED RULE MAKING**-includes the full text of the rule being proposed using the expedited rule-making process. Expedited rule makings are not consistently filed and may not appear in every issue of the register.
- (d) **PERMANENT**-includes the full text of permanently adopted rules.
- (e) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (f) **MISCELLANEOUS**-includes notice of public meetings of state agencies, rules coordinator notifications, summaries of attorney general opinions, executive orders and emergency declarations of the governor, rules of the state Supreme Court, and other miscellaneous documents filed with the code reviser's office under RCW 34.08.020 and 42.30.075.
- (g) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (h) **INDEX**-includes a cumulative index of Register Issues 01 through 24.

Documents are arranged within each section of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. Each filing is listed under the agency name and then describes the subject matter, type of filing and the WSR number. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence with a section's material.

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

RCW 34.05.395 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

- (a) In amendatory sections—
 - (i) underlined material is new material;
 - (ii) ~~deleted material is ((lined out between double parentheses))~~;
- (b) Complete new sections are prefaced by the heading **NEW SECTION**;
- (c) The repeal of an entire section is shown by listing its WAC section number and caption under the heading **REPEALER**.

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

Material contained in the Register other than rule-making actions taken under the APA (chapter 34.05 RCW) does not necessarily conform to the style and format conventions described above. The headings of these other types of material have been edited for uniformity of style; otherwise the items are shown as nearly as possible in the form submitted to the code reviser's office.

4. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules normally take effect thirty-one days after the rules and the agency order adopting them are filed with the code reviser's office. This effective date may be delayed or advanced and such an effective date will be noted in the promulgation statement preceding the text of the rule.
- (b) Emergency rules take effect upon filing with the code reviser's office unless a later date is provided by the agency. They remain effective for a maximum of one hundred twenty days from the date of filing.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

5. EDITORIAL CORRECTIONS

Material inserted by the code reviser's office for purposes of clarification or correction or to show the source or history of a document is enclosed in [brackets].

2002-2003

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue Number	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³	Expedited Adoption ⁴
	Non-OTS and 30 p. or more	Non-OTS and 11 to 29 p.	OTS ² or 10 p. max. Non-OTS	Count ²⁰ days from -	For hearing on or after	First Agency Adoption Date
For Inclusion in -	File no later than 12:00 noon -					
02 - 15	Jun 26, 02	Jul 10, 02	Jul 24, 02	Aug 7, 02	Aug 27, 02	Sep 24, 02
02 - 16	Jul 10, 02	Jul 24, 02	Aug 7, 02	Aug 21, 02	Sep 10, 02	Oct 8, 02
02 - 17	Jul 24, 02	Aug 7, 02	Aug 21, 02	Sep 4, 02	Sep 24, 02	Oct 22, 02
02 - 18	Aug 7, 02	Aug 21, 02	Sep 4, 02	Sep 18, 02	Oct 8, 02	Nov 5, 02
02 - 19	Aug 21, 02	Sep 4, 02	Sep 18, 02	Oct 2, 02	Oct 22, 02	Nov 19, 02
02 - 20	Sep 4, 02	Sep 18, 02	Oct 2, 02	Oct 16, 02	Nov 5, 02	Dec 3, 02
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03 - 04	Jan 8, 03	Jan 22, 03	Feb 5, 03	Feb 19, 03	Mar 11, 03	Apr 8, 03
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03 - 07	Feb 19, 03	Mar 5, 03	Mar 19, 03	Apr 2, 03	Apr 22, 03	May 20, 03
03 - 08	Mar 5, 03	Mar 19, 03	Apr 2, 03	Apr 16, 03	May 6, 03	Jun 3, 03
03 - 09	Mar 26, 03	Apr 9, 03	Apr 23, 03	May 7, 03	May 27, 03	Jun 24, 03
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03 - 22	Oct 8, 03	Oct 22, 03	Nov 5, 03	Nov 19, 03	Dec 9, 03	Jan 6, 04
03 - 23	Oct 22, 03	Nov 5, 03	Nov 19, 03	Dec 3, 03	Dec 23, 03	Jan 20, 04
03 - 24	Nov 5, 03	Nov 19, 03	Dec 3, 03	Dec 17, 03	Jan 6, 04	Feb 3, 04

¹ All documents are due at the code reviser's office by 12:00 noon on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-21-040.

² A filing of any length will be accepted on the closing dates of this column if it has been prepared and completed by the order typing service (OTS) of the code reviser's office; see WAC 1-21-040. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

³ At least twenty days before the rule-making hearing, the agency shall cause notice of the hearing to be published in the Register; see RCW 34.05.320(1). These dates represent the twentieth day after the distribution date of the applicable Register.

⁴ A minimum of forty-five days is required between the distribution date of the Register giving notice of the expedited adoption and the agency adoption date. No hearing is required, but the public may file written objections. See RCW 34.05.230 and 1.12.040.

REGULATORY FAIRNESS ACT

The Regulatory Fairness Act, chapter 19.85 RCW, was enacted in 1982 to minimize the impact of state regulations on small business. Amended in 1994, the act requires a small business economic impact analysis of proposed rules that impose more than a minor cost on twenty percent of the businesses in all industries, or ten percent of the businesses in any one industry. The Regulatory Fairness Act defines industry as businesses within a four digit SIC classification, and for the purpose of this act, small business is defined by RCW 19.85.020 as "any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees."

Small Business Economic Impact Statements (SBEIS)

A small business economic impact statement (SBEIS) must be prepared by state agencies when a proposed rule meets the above criteria. Chapter 19.85 RCW requires the Washington State Business Assistance Center (BAC) to develop guidelines for agencies to use in determining whether the impact of a rule is more than minor and to provide technical assistance to agencies in developing a SBEIS. All permanent rules adopted under the Administrative Procedure Act, chapter 34.05 RCW, must be reviewed to determine if the requirements of the Regulatory Fairness Act apply; if an SBEIS is required it must be completed before permanent rules are filed with the Office of the Code Reviser.

Mitigation

In addition to completing the economic impact analysis for proposed rules, state agencies must take reasonable, legal, and feasible steps to reduce or mitigate the impact of rules on small businesses when there is a disproportionate impact on small versus large business. State agencies are encouraged to reduce the economic impact of rules on small businesses when possible and when such steps are in keeping with the stated intent of the statute(s) being implemented by proposed rules. Since 1994, small business economic impact statements must contain a list of the mitigation steps taken, or reasonable justification for not taking steps to reduce the impact of rules on small businesses.

When is an SBEIS Required?

When:

The proposed rule has more than a minor (as defined by the BAC) economic impact on businesses in more than twenty percent of all industries or more than ten percent of any one industry.

When is an SBEIS Not Required?

When:

The rule is proposed only to comply or conform with a federal law or regulation, and the state has no discretion in how the rule is implemented;

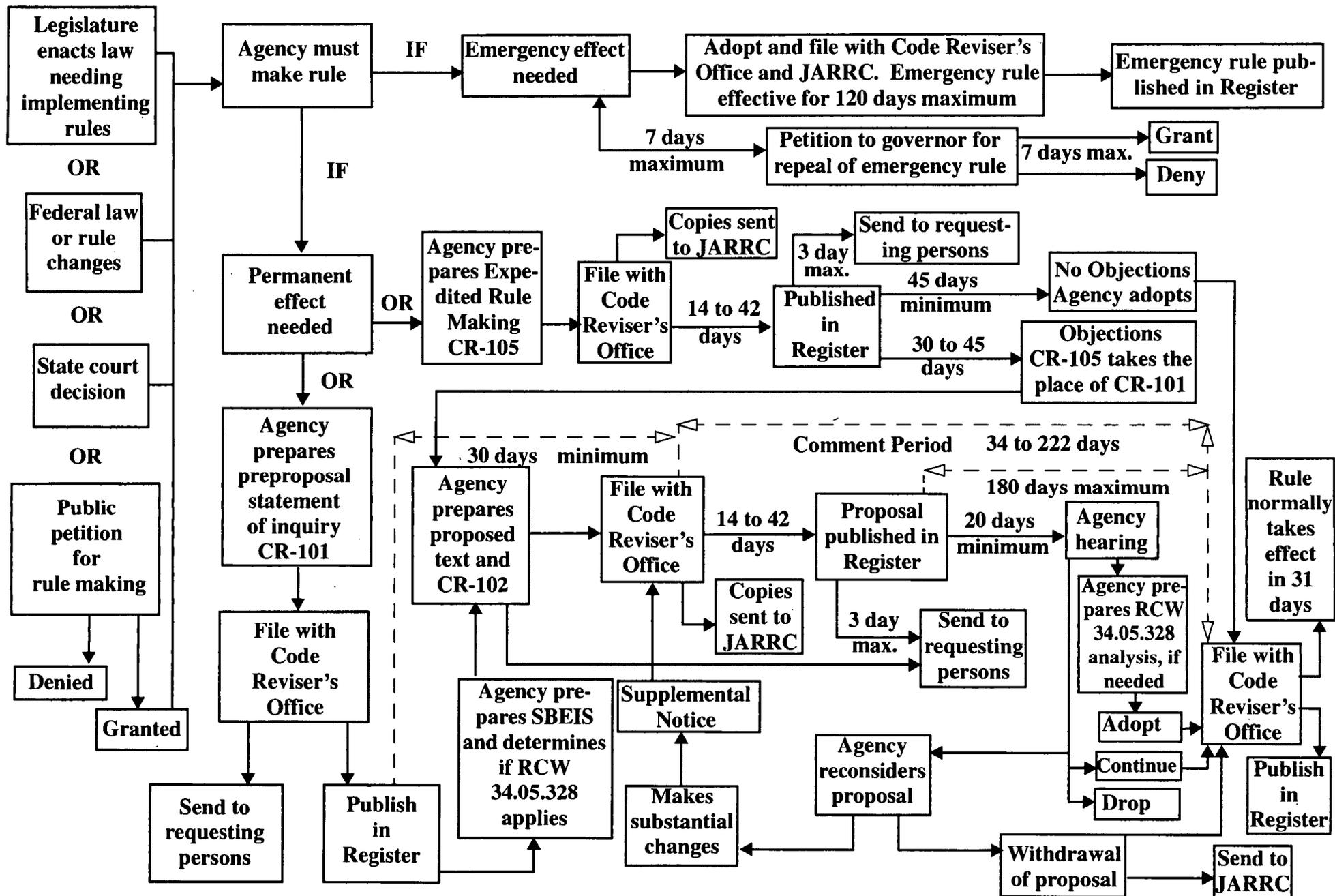
There is less than minor economic impact on business;

The rule **REDUCES** costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

The rule is adopted as an emergency rule, although an SBEIS may be required when an emergency rule is proposed for adoption as a permanent rule; or

The rule is pure restatement of state statute.

RULE-MAKING PROCESS



WSR 02-16-007**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed July 25, 2002, 2:48 p.m.]

Subject of Possible Rule Making: Chapter 180-57 WAC, Secondary education—Standardized high school transcript.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.04.155.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clarify and simplify language.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

July 24, 2002

Larry Davis

Executive Director

WSR 02-16-008**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed July 25, 2002, 2:50 p.m.]

Subject of Possible Rule Making: WAC 180-79A-155 Good moral character and personal fitness—Necessary supporting evidence by applicants.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This proposed amendment clarifies and simplifies the process for the submission of the dean's affidavit of the certificate applicant's good moral character.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax

(360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

July 24, 2002

Larry Davis

Executive Director

WSR 02-16-009**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed July 25, 2002, 2:52 p.m.]

Subject of Possible Rule Making: WAC 180-82-110 Exceptions to classroom teacher assignment policy.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clarifying language to align the special education endorsement waiver with the performance-based endorsements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

July 24, 2002

Larry Davis

Executive Director

WSR 02-16-010**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed July 25, 2002, 2:54 p.m.]

Subject of Possible Rule Making: WAC 180-79A-231 Limited certificates.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules are being amended in order to align them with the federal regulations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The special education section at Office of Superintendent of Public Instruction has provided input to align policies with United States Department of Education regulations.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new,

amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

July 24, 2002
Larry Davis
Executive Director

WSR 02-16-025
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
GENERAL ADMINISTRATION

[Filed July 29, 2002, 11:00 a.m.]

Subject of Possible Rule Making: Amend language within chapter 236-48 WAC, update WAC 236-48-002.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.19.190.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Language, grammar, and sentence structure used in chapter 236-48 WAC is difficult to comprehend and lacks clarity. Definitions contained in WAC 236-48-003 require updating due to technological advances in the field of procurement.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: All state agencies granted general purchase authority and specific authority.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jack Zeigler, Policy Manager, Department of General Administration, Office of State Procurement, P.O. Box 41017, Olympia, WA 98504-4017, phone (360) 902-7283, fax (360) 586-5944, e-mail jzeigle@ga.wa.gov.

July 2, 2002
Jack Zeigler
Policy and Protest Manager

WSR 02-16-026
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
GENERAL ADMINISTRATION

[Filed July 29, 2002, 11:01 a.m.]

Subject of Possible Rule Making: Chapter 236-49 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.19.190.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SB 6832, chapter 200, Laws of 2002, effective June 13, 2002, removes the authority of the Department of General Administration (GA) purchase interpreter services on behalf of recipients of public assistance and grants this authority to the Department of Social and Health Services. Chapter 236-49 WAC requires amendment to exclude responsibility to purchase interpreter services from Office of State Procurement.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Social and Health Services.

Process for Developing New Rule: GA welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. After the rules are drafted, GA will file a copy with the Office of the Code Reviser with a notice of proposed rule making. A copy of the draft will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jack Zeigler, Policy Manager, Department of General Administration, Office of State Procurement, P.O. Box 41017, Olympia, WA 98504-4017, phone (360) 902-7283, fax (360) 586-5944, e-mail jzeigle@ga.wa.gov.

July 2, 2002
Jack Zeigler
Policy and Protest Manager

WSR 02-16-040
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed July 30, 2002, 4:25 p.m.]

Subject of Possible Rule Making: Chapter 392-153 WAC, Traffic safety—Driver education.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28A.220 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2002 legislative session eliminated the Office of Superintendent of Public Instruction from the over site of commercial driving schools providing traffic safety education to students between sixteen and eighteen years of age. The amendments to this WAC will reflect that legislative mandate as well as update and clarify language dealing primarily with public schools.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 753-4201, TTY (360) 664-3631. For telephone assistance

contact Allan J. Jones, Director, Pupil Transportation and Traffic Safety Education, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6120, fax (360) 586-6124.

July 17, 2002
Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 02-16-059

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed August 2, 2002, 9:48 a.m.]

Subject of Possible Rule Making: Update to chapter 308-129 WAC regulating sellers of travel.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.138.170, 43.24.023.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To amend, repeal or retain current rules, which may no longer be needed or need further written clarification as per the governor's directive on state rules review.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Randy Renfrow, Business and Professions Division, Sellers of Travel Section, P.O. Box 9026, Olympia, WA 98507-9026, phone (360) 664-6634, fax (360) 570-4956.

Randy Renfrow
Program Licensing Manager

WSR 02-16-077

**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)**

[Filed August 6, 2002, 12:47 p.m.]

The Economic Services Administration is requesting the withdrawal of a CR-101 preproposal statement of inquiry filed as WSR 02-10-074 on April 26, 2002.

Brian Lindgren, Manager
Rules and Policies Assistance Unit

WSR 02-16-078

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)**

[Filed August 6, 2002, 12:49 p.m.]

Subject of Possible Rule Making: The Division of Employment and Assistance Programs plans to amend rules in chapter 388-474 WAC and related WAC to implement changes in eligibility for the state supplemental payment program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington state legislature passed legislation (chapter 371, Laws of 2002) that specifies changes to the categories of individuals eligible to receive state supplemental payments (SSP). New and amended rules must be adopted to reflect the intent of the legislature.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal Public Law 92-603 and the Social Security Act publish regulations for states that must provide a state supplemental payment program. The Social Security Administration oversees state compliance with federal state supplementation rules.

Process for Developing New Rule: The Department of Social and Health Services (DSHS) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file proposed rules with the Office of the Code Reviser with a notice of proposed rule making. A copy of the proposed rules will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carole McRae, Program Manager, Division of Employment and Assistance Programs, Lacey Government Center, P.O. Box 45470, Olympia, WA 98504-4570, phone (360) 413-3074, fax (360) 413-3493, e-mail MCRAECA@DSHS.WA.GOV.

August 5, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 02-16-082

**PREPROPOSAL STATEMENT OF INQUIRY
PARKS AND RECREATION
COMMISSION**

[Filed August 6, 2002, 12:55 p.m.]

Subject of Possible Rule Making: The Washington State Parks and Recreation Commission will conduct a review of all fees established under the provisions of chapter 352-32 WAC, Public use of state park areas, and may determine the

need to establish new or amend existing administrative rules in this chapter.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Through the power granted by the legislature in chapter 79A.05 RCW and specifically under RCW 79A.05.070, the commission is authorized to charge such fees for services, utilities, and use of facilities as the commission shall deem proper. The commission has established a fee structure under the provisions of chapter 352-32 WAC for use of lands, facilities, programs, services, and materials published by state parks. The commission intends to evaluate and where appropriate revise the structure and amount of fees charged at all Washington state park facilities.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rita Cooper, Assistant Director, Washington State Parks, P.O. Box 42650, 7150 Cleanwater Lane, Olympia, WA 98504-2650, phone (360) 586-6606, fax (360) 753-1594, e-mail Rita.cooper@parks.wa.gov.

August 6, 2002
Jim French, Chief
Policy Research and
Program Development

WSR 02-16-084
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS
[Filed August 7, 2002, 9:29 a.m.]

Subject of Possible Rule Making: Actuarial rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5), chapter 41.45 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Department of Retirement Systems (DRS) proposed a number of changes to its actuarial Washington Administrative Code (WAC) on July 23, 2002, (WSR 02-15-154) to implement new actuarial projections from the Office of the State Actuary (OSA). For the first time, those WACs will have explanations and examples on how to read the actuarial tables, and information on how they are used. The expected effective date for those rules is September 1, 2002. DRS is now considering addition enhancements to the actuarial WACs. These additions or amendments would further explain how DRS determines age and cost-of-living adjustments in calculating various benefits for the retirement plans that DRS administers.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: OSA provides the actuarial information to DRS that

DRS uses in determining retirement benefits. OSA will have the opportunity to review the proposed rules.

Process for Developing New Rule: Department staff will work on the project, with the assistance of the Office of the Attorney General. The public is invited and encouraged to participate, as described below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The Department of Retirement Systems encourages your active participation in the rule-making process. Anyone interested in participating should contact the rules coordinator, below. After the rule(s) is drafted, DRS will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and send a copy to everyone currently on the mailing list and anyone else who requests a copy. For more information on how to participate, please contact Merry A. Kogut, Rules Coordinator, Department of Retirement Systems, Mailstop 48380, P.O. Box 48380, Olympia, WA 98504-8380, voice (360) 664-7291, TTY (360) 586-5450, e-mail merryk@drs.wa.gov, fax (360) 753-3166.

August 6, 2002
Merry A. Kogut
Rules Coordinator

WSR 02-16-085
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS
[Filed August 7, 2002, 9:31 a.m.]

Subject of Possible Rule Making: Excess compensation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5), 41.50.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules will explain how the Department of Retirement Systems (DRS) makes determinations under RCW 41.50.150.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Department staff will work on the project, with the assistance of the Office of the Attorney General. The public is invited and encouraged to participate, as described below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. DRS encourages your active participation in the rule-making process. Anyone interested in participating should contact the rules coordinator, below. After the rule(s) is drafted, DRS will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and send a copy to everyone currently on the mailing list and anyone else who requests a copy. For more information on how to participate, please contact Merry A. Kogut, Rules Coordinator, Department of Retirement, Mailstop 48380, P.O. Box 48380, Olympia, WA 98504-8380, voice (360) 664-7291,

TTY (360) 586-5450, e-mail merryk@drs.wa.gov, fax (360) 753-3166.

August 6, 2002
Merry A. Kogut
Rules Coordinator

WSR 02-16-089

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed August 7, 2002, 10:28 a.m.]

Subject of Possible Rule Making: Chapter 16-449 WAC, Washington controlled atmosphere storage requirements for winter pears; chapter 16-459 WAC, Controlled atmosphere storage; and chapter 16-690 WAC, Fruit storage.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 15.17 RCW, Standards of grades and packs and chapter 34.05 RCW, Administrative Procedure Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has conducted a rule review mandated by Executive Order 97-02 and concluded that chapters 16-449, 16-459, and 16-690 WAC should be:

- Combined into one Washington Administrative Code chapter in order to streamline the regulations and eliminate redundancies.
- Rewritten in plain English and reformatted so the rules are easier to understand, use, and administer.
- Updated to reflect current industry practice and technology.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington State Department of Agriculture is the only agency that regulates the subject of these rules.

Process for Developing New Rule: Fruit and vegetable inspection program staff will develop proposed rule language utilizing industry recommendations. Industry representatives will review the proposed rule language once it is developed. Finally, members of the industry and the general public will have an opportunity to comment on the department's proposed rule language during the public hearing/public comment process required by chapter 34.05 RCW.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Quigley, Program Manager, Fruit and Vegetable Inspection Program, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2085, phone (360) 902-1833.

August 7, 2002
Robert W. Gore
Assistant Director

WSR 02-16-097

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed August 7, 2002, 11:28 a.m.]

Subject of Possible Rule Making: The state Department of Agriculture is proposing to amend chapter 16-160 WAC, Registration of brand name materials for organic food production. The proposed changes include increasing fees and to revising the registration criteria to be compliant with the national organic program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 15.86 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The registration process and criteria for approving materials for organic food production needs to be updated to be compliant with the national organic standards. The state Department of Agriculture's organic food program is required by statute to collect fees to cover the cost of the program. Fee increases are necessary in order to cover the costs of the program. The legislature authorized the department to increase fees in excess of the fiscal growth factor.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture (USDA) is implementing the national organic program. The state Department of Agriculture is working with the USDA national organic program to coordinate changes to the state organic rules so that they are compliant with the federal program.

Process for Developing New Rule: The agency is developing the proposal in coordination with the Organic Advisory Board.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Miles McEvoy, Washington State Department of Agriculture, Organic Food Program, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1924, fax (360) 902-2087, e-mail mmcevoy@agr.wa.gov. Comments should be made by September 20, 2002.

August 5, 2002
Kathryn Kravit-Smith
Assistant Director

WSR 02-16-098

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed August 7, 2002, 11:29 a.m.]

Subject of Possible Rule Making: The state Department of Agriculture is proposing to amend chapter 16-157 WAC to increase organic certification fees and to revise organic standards to be compliant with the national organic program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 15.86 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state Department of

Agriculture's organic food program is required by statute to collect fees to cover the cost of the program. Fee increases are necessary in order to cover the costs of the program. The legislature authorized the department to increase fees in excess of the fiscal growth factor.

The organic food program was audited on July 9-11, 2002, to determine compliance with the national organic program. It was determined that the state organic standards are not fully compliant with the national organic program and need to be amended to fully comply with the national organic program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture (USDA) is implementing the national organic program. The state Department of Agriculture is working with the USDA national organic program to coordinate changes to the state organic rules so that they are compliant with the federal program.

Process for Developing New Rule: The agency is developing the proposal in coordination with the Organic Advisory Board.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Miles McEvoy, Washington State Department of Agriculture, Organic Food Program, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1924, fax (360) 902-2087, e-mail mmcevoy@agr.wa.gov. Comments should be made by September 20, 2002.

August 5, 2002
Kathryn Kravit-Smith
Assistant Director

WSR 02-16-002
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed July 24, 2002, 1:27 p.m.]

Continuance of WSR 02-11-073.

Expedited rule making—Proposed notice was filed as WSR 02-11-073.

Title of Rule: Commercial fishing rules.

Purpose: Amend salmon egg sales rules.

Other Identifying Information: This is a continuation of proposed amendments to WAC 220-20-016 to August 2-3, 2002, to allow for public testimony.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Requires sale of eggs with carcasses.

Reasons Supporting Proposal: Catch monitoring.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, 902-2672; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2373.

Name of Proponent: Department of Fish and Wildlife.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Extends requirement to sell chum carcasses to all salmon.

Proposal Changes the Following Existing Rules: Salmon sales requirements.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule is proposed under expedited rule adoption which does not require a small business economic impact statement.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Pearsall Multi-Services Center, 2109 Sumner Avenue, Aberdeen, WA, on August 2-3, 2002, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Nancy Burkhart by July 26, 2002, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by August 1, 2002.

Date of Intended Adoption: August 2, 2002.

July 23, 2002

Evan Jacoby

Rules Coordinator

WSR 02-16-003
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed July 25, 2002, 8:24 a.m.]

The Department of Fish and Wildlife withdraws proposed amendments to WAC 220-47-301, filed in the Washington State Register at WSR 02-11-073.

Evan Jacoby, Rules Coordinator
 Fish and Wildlife Legal Services

WSR 02-16-015
PROPOSED RULES
DEPARTMENT OF REVENUE
 [Filed July 26, 2002, 10:03 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-04-054.

Title of Rule: WAC 458-20-151 Dentists (~~(, dental laboratories and physicians)) and other health care providers, dental laboratories, and dental technicians.~~

Purpose: To provide information about the tax-reporting responsibilities of dentists and other health care providers, dental laboratories, and dental technicians.

Statutory Authority for Adoption: RCW 82.32.300.

Statute Being Implemented: RCW 82.04.290 (as it relates to dentists and other health care providers, dental laboratories, and dental technicians); RCW 82.04.120 and 82.04.240 (as they apply to dental laboratories and dental technicians); and RCW 82.08.0283 and 82.12.0277 (as they apply to the sale or use of dental appliances, devices, restorations, and substitutes, and the components thereof, including but not limited to full and partial dentures, crowns, inlays, fillings, braces, and retainers).

Summary: This rule provides tax reporting information for dentists and other health care providers, dental laboratories, and dental technicians.

Reasons Supporting Proposal: To incorporate the provisions of EHB 1042 (chapter 168, Laws of 1998) changing the taxation of dental laboratories and dental technicians and providing a sales/use tax exemption for dental laboratory products and their components.

Name of Agency Personnel Responsible for Drafting: Mark Mullin, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6112; Implementation: Alan R. Lynn, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6125; and Enforcement: Russell Brubaker, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6131.

Name of Proponent: Department of Revenue, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 458-20-151 (Rule 151) provides tax-reporting information for dentists, dental laboratories, and physicians. This rule needs to be amended to reflect a change in the tax-

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reporting responsibilities of dental laboratories and dental technicians as a result of EHB 1042 (chapter 168, Laws of 1998). That legislation amended the term "manufacturer" in RCW 82.04.120 to include the production or fabrication of dental appliances, devices, restorations, substitutes, or other dental laboratory products by a dental laboratory or dental technician. Thus, dental laboratories and dental technicians are treated as manufacturers effective October 1, 1998. Gross income earned by dental laboratories and dental technicians prior to October 1, 1998, is subject to service and other activities B&O tax.

The legislation also provided a sales and use tax exemption for dental appliances, devices, restorations, and substitutes, and the components thereof, including but not limited to full and partial dentures, crowns, inlays, fillings, braces, and retainers. This information will also be incorporated into Rule 151. The scope of Rule 151 will also be expanded to include general tax-reporting information for health care providers licensed under Title 18 RCW. As a result, Rule 151 will provide guidance to many more taxpayers.

Proposal does not change existing rules. This is a revision to WAC 458-20-151 as described above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule does not impose any performance requirement or duty upon any business that results in additional business costs that is not already imposed by statute.

RCW 34.05.328 does not apply to this rule adoption. This rule is an interpretive rule as defined in RCW 34.05.328.

Hearing Location: Capital Plaza Building, 4th Floor, Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on September 12, 2002, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Sandy Davis no later than ten days before the hearing date, TTY 1-800-451-7985 or (360) 570-6175.

Submit Written Comments to: Mark Mullin, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail MarkM@dor.wa.gov, by September 12, 2002.

Date of Intended Adoption: September 19, 2002.

July 25, 2002

Alan R. Lynn

Rules Coordinator

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 91-15-023, filed 7/11/91, effective 8/11/91)

WAC 458-20-151 Dentists, dental laboratories and physicians) and other health care providers, dental laboratories, and dental technicians. ((1) Business and occupation tax. Dentists, dental laboratories, and physicians are subject to the business and occupation tax as follows:

(a) Service and other business activities. These persons are taxable under the service and other business activities classification on the gross income from charges for performing professional services.

(i) This includes any separate charge to the patient for drugs, medicines, and other substances used by a dentist, or

physician, or administered to a patient as part of the dental or medical services to the patient.

(ii) Dental laboratories provide professional services. The product which results from those services is merely evidence of those services. Dental laboratories are taxable under the service and other business activities classification on income from providing their services.

(b) Retailing. A physician or a medical clinic may occasionally make sales of drugs as a convenience to a customer with the sale not being part of the medical services to the patient. These sales are taxable under the retailing classification. The retailing classification applies only when the physician or medical staff do not administer the drug or other medicine to the patient. Adequate records must be kept by the business to distinguish drugs which are administered as part of a medical service from those which are sold outright.

(2) Retail sales tax. Dentists, dental laboratories, and physicians primarily perform professional services and are not required to collect the retail sales tax from clients and others paying for such services.

(a) Sales by supply houses to such persons of materials, supplies, and equipment which are used incidentally in performing professional services are retail sales and the retail sales tax must be collected. Such sales include, among others, sales of dental chairs, instruments, x ray machines, office equipment, stationery, and sales of supplies, such as dressings, bandages, nonprescription drugs and similar articles. Certain specific items may be purchased without the payment of retail sales tax as discussed below.

(b) Dentists and dental laboratories are required to pay retail sales tax to their suppliers for purchases of orthotic devices or components of such devices which they use or prescribe to their patients as part of the services provided to the patient. Orthotic devices may be purchased exempt of retail sales tax only when prescribed by physicians, osteopaths, or chiropractors for an individual. For example, dentists specializing in the prevention and correction of irregularities in the position of the teeth are required to pay retail sales tax to their suppliers for braces, collars, wires, serews, bands, splints, night guards, etc. See RCW 82.08.0283.

(c) Orthotic devices which are prescribed by physicians, osteopaths, and chiropractors for an individual are not subject to retail sales tax. Orthotic devices are apparatus designed to activate or supplement a weakened or atrophied limb or function. They include braces, collars, casts, splints, and other similar apparatus, as well as parts thereof. Orthotic devices do not include durable medical equipment such as wheelchairs, crutches, walkers, and canes nor consumable supplies such as elastic stockings, arch pads, belts, supports, bandages, and the like, whether prescribed or not.

(d) The sales tax does not apply to sales of ostomic items, insulin, medically prescribed oxygen, and prosthetic devices. Prosthetic devices are artificial substitutes which replace missing parts of the human body such as a limb, bone, joint, eye, tooth, or other organ or part thereof, and materials which become ingredients or components of prostheses. These materials include plastic, wood, hinges, serews, denture acrylic, porcelain, gold, silver, including any alloys of gold or silver. The following is a list of prosthetic devices or components of prosthetic devices that may be purchased or

sold by dentists and/or dental laboratories without retail sales tax applying:

- (i) Alloy and mercury—used together to form an amalgam to fill existing teeth;
 - (ii) Casting alloy;
 - (iii) Cement—to cement crowns or teeth to bridges or dentures;
 - (iv) Cavity liner;
 - (v) Composites—filling material used in the place of alloy;
 - (vi) Filling material;
 - (vii) Temporary crowns;
 - (viii) Acrylics—dentures, crown, and bridge replacement of teeth;
 - (ix) Reline material—to reline dentures;
 - (x) Pins—used for retention;
 - (xi) Endo post—used in restoring teeth without any surface on tooth to support restoration;
- (e) The retail sales tax does not apply to sales of prescription drugs to dentists, physicians, or other medical practitioners when sold for the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans. See WAC 458-20-18801.

(3) Use tax. Use tax is due when retail sales tax has not been paid on the purchases of supplies and equipment used by a dentist, dental laboratory, or physician in the providing of professional services. This includes orthotic devices used or prescribed by dentists, or dental laboratories when retail sales tax was not paid to the supplier. Refer to subsection (2) of this section (Retail sales tax) for a further discussion of taxable items.

(a) The use tax does not apply to the purchase or use of ostomic items, insulin, medically prescribed oxygen, prosthetic devices or ingredients/components of prostheses.

(b) The use tax also does not apply to purchases of prescription drugs when purchased for the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans. See WAC 458-20-18801.) (1) **Introduction.** This rule explains the application of business and occupation (B&O), retail sales, and use taxes to the business activities of dentists and other health care providers, dental laboratories, and dental technicians. For purposes of this rule, a "health care provider" is a person who is licensed under the provisions of Title 18 RCW to provide health care services to humans in the ordinary course of business or practice of a profession. The department of revenue (department) has adopted other rules dealing with the taxability of various activities relating to the provision of health care. Readers may want to refer to the following rules for additional information:

(a) WAC 458-20-150 (Optometrists, ophthalmologists, and opticians);

(b) WAC 458-20-168 (Hospitals, medical care facilities, and adult family homes);

(c) WAC 458-20-18801 (Prescription drugs, prosthetic and orthotic devices, ostomic items, and medically prescribed oxygen); and

(d) WAC 458-20-233 (Tax liability of medical and hospital service bureaus and associations and similar health care organizations).

(2) **Tax-reporting information for dentists and other health care providers.** This subsection provides specific tax-reporting information for dentists and more generalized tax-reporting information for other health care providers. Dentists who employ dental technicians to produce or fabricate dental appliances, devices, restorations, substitutes, or other dental laboratory products should refer to subsection (3)(b) and (e) of this rule for additional information.

(a) **Taxability of dental and other health care services.** Dentists and other health care providers are subject to the service and other activities B&O tax on their gross income from performing dental and other health care services. The term "gross income" includes any separate charge for drugs, medicines, and other substances administered or provided to a patient as part of the dental or other health care services delivered to the patient. "Gross income" also includes any separate charges for orthotic devices, prosthetic devices, and dental appliances, devices, restorations, substitutes, or other dental laboratory products that are provided as part of the dental or other health care services delivered to patients.

(b) **Sales of tangible personal property apart from dental and other health care services.** A dentist or other health care provider may make sales of tangible personal property such as drugs, medicines, and bandages as a convenience to a buyer apart from any health care services provided to the buyer. These are sales of tangible personal property only when the dentist or other health care provider does not supply or administer the drug, medicine, or other item in the course of delivering health care services to the buyer. The gross proceeds of these retail sales of tangible personal property are subject to the retailing B&O tax. In addition, the dentist or other health care provider must collect and remit retail sales tax, unless the sale is specifically exempt by law. See WAC 458-20-18801 for detailed information regarding retail sales tax exemptions available for sales of items commonly associated with health care services. Adequate records must be kept by the dentist or other health care provider to distinguish items of tangible personal property that are supplied or administered to patients as part of health care services from those that are sold apart from health care services delivered to the buyer.

Purchases of tangible personal property for resale without intervening use are not subject to the retail sales tax. A dentist or other health care provider purchasing tangible personal property for resale must furnish a resale certificate in the usual form to the seller to document the wholesale nature of the sale. For additional information regarding resale certificates, refer to WAC 458-20-102.

(c) **Equipment and supplies used by dentists and other health care providers.** Purchases of equipment and supplies used by dentists and other health care providers in performing dental or other health care services are purchases at retail and subject to retail sales tax unless specifically exempt by law. If the seller does not collect retail sales tax, the dentist or other health care provider must remit the retail

sales tax (commonly referred to as "deferred sales tax") or use tax directly to the department unless specifically exempt by law. For detailed information regarding the use tax, refer to WAC 458-20-178.

Dental appliances, devices, restorations, and substitutes, or their components are exempt from retail sales and use taxes. RCW 82.08.0283 and 82.12.0277. Exempt items include, but are not limited to, full and partial dentures, crowns, inlays, fillings, braces, retainers, collars, wire, screws, bands, splints, night guards, gold, silver, alloys, acrylic materials, filling material, reline material, cement, cavity liner, pins, and endo post.

(d) Examples. The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all of the facts and circumstances.

(i) Dr. A is a physician who specializes in the treatment of allergies. Dr. A treats many of her patients with injections of allergy extracts (antigens). Dr. A separately itemizes the charges for the antigen, the administration of the injection, and the office call in her patients' billings. Dr. A is subject to service and other activities B&O tax on the entire charge for the antigen, administration of the injection, and office call. Even though Dr. A separately itemizes the charges for antigens, these are not retail sales because Dr. A administers the antigens to her patients.

(ii) Dr. B made mail-order purchases of a computer, books, and magazines for use in her dental practice. Dr. B did not pay retail sales tax to the sellers on these purchases. Therefore, Dr. B is liable for deferred retail sales or use tax on the computer, books, and magazines, and must remit the tax directly to the department.

(3) Tax-reporting information for dental laboratories and dental technicians. This subsection provides tax-reporting information for dental laboratories and dental technicians.

(a) Producing or fabricating dental laboratory products for sale. The production or fabrication of dental appliances, devices, restorations, substitutes, or other dental laboratory products by dental laboratories and dental technicians is a manufacturing activity. RCW 82.04.120 and chapter 168, Laws of 1998. Thus, dental laboratories and dental technicians are subject to manufacturing B&O tax on the value of the dental laboratory products they manufacture. The value of products manufactured is generally the gross proceeds of sales of such manufactured products. For additional information about the manufacturing B&O tax, refer to WAC 458-20-136.

(i) Sales of dental laboratory products manufactured by dental laboratories and dental technicians. Dental laboratories and dental technicians who make sales within this state of dental laboratory products they have manufactured are subject to either the retailing or wholesaling B&O tax, as the case may be. In such cases, the dental laboratory or dental technician must report under the manufacturing as well as the wholesaling and/or retailing B&O tax classifications. However, a multiple activities tax credit (MATC) may be claimed. For detailed information about the MATC, refer to WAC

458-20-19301. Dental laboratories or dental technicians making wholesale sales must obtain a resale certificate from the buyer to document the wholesale nature of the sale. For additional information regarding resale certificates, refer to WAC 458-20-102.

As noted above in subsection (2)(c) of this rule, sales of dental appliances, devices, restorations, and substitutes, and their components, including, but not limited to, full and partial dentures, crowns, inlays, fillings, braces, and retainers are exempt from retail sales tax. RCW 82.08.0283.

(ii) Taxability of income earned by dental laboratories and dental technicians prior to October 1, 1998. Gross income earned by dental laboratories and dental technicians prior to October 1, 1998, is subject to service and other activities B&O tax. Prior to October 1, 1998, dental laboratories and dental technicians were considered to be providing professional services rather than engaging in manufacturing activities. The products produced by a dental laboratory or dental technician were considered the tangible representation of those professional services.

(b) In-house manufacturing of dental laboratory products by dentists. As noted above, the production or fabrication of dental appliances, devices, restorations, substitutes, or other dental laboratory products by dental laboratories and dental technicians is a manufacturing activity. However, the production or fabrication of dental laboratory products by dentists in the course of providing dental care services to their patients is not a manufacturing activity under the law and, therefore, manufacturing B&O tax does not apply to this activity. A dentist may personally produce or fabricate dental appliances, devices, restorations, substitutes, or other dental laboratory products, or the dentist may have an employee who is a dental technician produce or fabricate the dental laboratory products. These dental laboratory products are considered a tangible representation of professional services that the dentist provides to his or her patients. Dentists who manufacture molds or other articles of tangible personal property that they use in producing or fabricating dental appliances, devices, restorations, substitutes, or other dental laboratory products should refer to subsection (3)(d) of this rule for tax reporting instructions applicable to this activity.

The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all of the facts and circumstances.

(i) Example. Jane Doe, an employee of Dentist A, manufactures dental appliances, devices, restorations, and substitutes. Dentist A provides these products to patients in the course of rendering dental care services. Dentist A is subject to service and other activities B&O tax on the gross income she receives for providing dental care services, including any charge for the dental appliances, devices, restorations, and substitutes even if Dentist A separately charges her patients for the dental laboratory products. (See subsection (2)(a) of this rule.)

(ii) Example. The facts are the same as in the previous example except that Dentist A also sells to Dentist B dental appliances, devices, restorations, and substitutes produced by

Jane Doe in the course of her employment with Dentist A. For these sales of dental laboratory products to Dentist B, Dentist A is acting as a dental laboratory and, therefore, is liable for both manufacturing B&O tax and retailing B&O tax with respect to the manufacture and sale of dental appliances, devices, restorations, and substitutes to Dentist B. Dentist A may also claim a MATC (see subsection (3)(a) and (i) of this rule.) The sales to Dentist B are exempt from retail sales tax under RCW 82.08.0283.

(c) **Equipment and supplies used by dental laboratories and dental technicians.** Purchases of equipment and supplies by dental laboratories and dental technicians for use in manufacturing dental appliances, devices, restorations, substitutes, or other dental laboratory products are purchases at retail and subject to retail sales tax unless specifically exempt by law. If the seller does not collect retail sales tax, the dental laboratory or dental technician must remit the retail sales tax (commonly referred to as "deferred sales tax") or use tax directly to the department, unless specifically exempt by law. Supplies that become components of dental appliances, devices, restorations, and substitutes are exempt from retail sales and use taxes. RCW 82.08.0283 and 82.12.0277. For detailed information regarding the use tax, refer to WAC 458-20-178.

For example, a dental lab purchases equipment and supplies including gold, silver, alloys, artificial teeth, cement, and tools. The purchases of gold, silver, alloys, artificial teeth, and cement that become components of dental laboratory products are exempt from retail sales and use taxes. The tools are subject to retail sales or use tax unless they qualify for the manufacturing machinery and equipment sales and use tax exemption. Additional information about this exemption is provided below in subsection (3)(e) of this rule.

(d) **Molds and other articles of tangible personal property manufactured by dental laboratories and dental technicians for commercial or industrial use.** Dental laboratories and dental technicians may manufacture molds or other articles of tangible personal property that they use in producing or fabricating dental appliances, devices, restorations, substitutes, or other dental laboratory products. In such cases, the dental laboratory or dental technician is manufacturing a product for commercial or industrial use and is subject to the manufacturing B&O tax on the value of the mold or other article of tangible personal property. As the consumer of the mold or other article of tangible personal property manufactured for commercial or industrial use, the dental laboratory or dental technician is also liable for use tax on the value of the mold or other article of tangible personal property, unless the use is specifically exempt by law.

(e) **Sales and use tax exemptions for manufacturing machinery and equipment.** A retail sales and use tax exemption is provided by RCW 82.08.02565 and 82.12.02565 for sales to or use by manufacturers of certain machinery and equipment used directly in a manufacturing operation. This exemption is limited to machinery and equipment used to manufacture products for sale as tangible personal property. Thus, dental laboratories and dental technicians manufacturing dental appliances, devices, restorations, substitutes, or other dental laboratory products for sale may

be eligible for this exemption. The exemption is not available if these products are produced or fabricated by a dentist or an employee of a dentist and are provided to patients in the course of delivering dental care services to the patients (as is the case in the example provided in subsection (3)(b)(i) of this rule). Refer to WAC 458-20-13601 for detailed information regarding this exemption.

WSR 02-16-024

WITHDRAWAL OF PROPOSED RULES GAMBLING COMMISSION

[Filed July 29, 2002, 8:46 a.m.]

This letter is to serve as our agency's notice to withdraw WAC 230-04-202 and 230-04-203 from WSR 02-13-111, filed June 19, 2002.

Susan Arland
Rules Coordinator

WSR 02-16-031

PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Economic Services Administration)

[Filed July 29, 2002, 3:32 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-09-049.

Title of Rule: Amending WAC 388-450-0010 The department takes some of your time-loss benefits if you get cash assistance while waiting for your claim to be processed, 388-450-0025 What is unearned income? and 388-450-0030 What is earned income?; and repealing WAC 388-450-0075 Income from time-loss compensation.

Purpose: These rules explain how the department treats time-loss benefits.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.510.

Statute Being Implemented: RCW 74.08.090 and 74.04.510.

Summary: These rules are being modified to simplify how we treat time-loss income. All time-loss benefits will be considered unearned income.

Reasons Supporting Proposal: This simplifies the rules and will eliminate confusion about the policy.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Veronica Barnes, DEAP, P.O. Box 45400, 1009 College Street S.E., Lacey, WA 98503, (360) 413-3071.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The department will now treat all time-loss benefits

as unearned income. This simplifies the rules and will eliminate confusion about the policy.

Proposal Changes the Following Existing Rules: WAC 388-450-0010 is amended to clarify how the department may take time-loss income to repay cash assistance; WAC 388-450-0025 is amended to reflect that all time-loss income is considered unearned income; WAC 388-450-0030 is amended to remove references of time-loss income as earned income; and WAC 388-450-0075 is repealed.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These proposed rules do not have an economic impact on small businesses. It only affects DSHS client financial eligibility for cash assistance.

RCW 34.05.328 does not apply to this rule adoption. The proposed rules are exempt under RCW 34.05.328 (5)(b)(vii), "This section does not apply to... rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents." The proposed rules relate only to client financial eligibility for cash assistance.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on September 10, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by September 6, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., September 10, 2002.

Date of Intended Adoption: Not earlier than September 11, 2002.

July 25, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-450-0010 (~~Liens against potential~~) The department takes some of your time-loss ((~~compensation~~)) benefits if you get cash assistance while waiting for your claim to be processed. ((This section applies to TANF/SFA, RCA, GA and TANF/SFA-related medical programs.

~~(1) By accepting public assistance, adult and minor clients assign to the department the right to recover time loss compensation.~~

~~(2) When an assistance unit consists of unmarried parents only, the portion of cash assistance received by the injured parent and the injured parent's natural, adoptive or stepchildren is recoverable by the department.~~

~~(3) When a client or client's attorney claims allowable attorney fees and costs incidental to an increased award, the office of financial recovery (OFR) will:~~

~~(a) Determine what portion of the award, if any, resulted directly from the attorney's involvement;~~

~~(b) Determine the department's proportionate share of attorney fees and costs applicable to the duplicate coverage period; and~~

~~(c) Deduct the department's share of cost in subsection (b) of this section from the lien for duplicated assistance; or~~

~~(d) Issue the proportionate share refund to the attorney with a copy of the account summary to the client))~~ (1) Some people who are hurt and cannot work because of their injury can get time-loss benefits. The time-loss benefits are paid by an agency, such as the department of labor and industries or a private insurance company.

(2) If you get cash assistance while waiting for your time-loss benefit claim to be processed, you are required to let the department take some of your benefits as repayment for that cash assistance. We will take our portion of the time-loss benefits before you get yours. You agree to this when you sign the application and accept your cash benefits.

(3) The amount of your time-loss benefits that we take will not be more than the total amount of cash assistance you got while waiting for your claim to be approved.

(4) The amount we take will be less than the total amount if your assistance unit included another adult to whom you were not married. Then, the amount we take is limited to the amount we paid for you and your natural, adoptive or step-children.

(5) Before we take our portion from your time-loss benefits, the office of financial recovery (OFR) will tell you how much we are going to take.

(6) If you or your attorney claim that you are getting more time-loss benefits because of the help of your attorney, OFR will:

(a) First, figure out:

(i) How much of your time-loss benefits are a direct result of your attorney's work; and

(ii) Our proportionate share of your attorney's fees and costs for the amount we recover.

(b) Then, either:

(i) Subtract our share of your attorney's fees and costs from the amount we can have; or

(ii) Send your attorney their share of the time-loss benefits we have taken.

(c) Send a copy of the account summary to you.

AMENDATORY SECTION (Amending WSR 99-17-025, filed 8/10/99, effective 10/1/99)

WAC 388-450-0025 What is unearned income((?)?)
This section applies to ((TANF/SFA, RCA, GA, TANF/SFA-related medical and food assistance programs)) cash assistance, food assistance, and medical programs for families, children, and pregnant women.

(1) Unearned income is income ((a person receives)) you get from a source other than employment or self-employment. Some examples of unearned income ((include but are not limited to)) are:

(a) Railroad Retirement;

(b) Unemployment Compensation; ((or))

(c) Social Security benefits (including retirement benefits, disability benefits, and benefits for survivors);

(d) Time loss benefits as described in WAC 388-450-0010, such as benefits from the department of labor and industries (L&I); or

(e) Veteran Administration benefits.

(2) ~~For food assistance ((programs, unearned income includes the)) we also count the total amount of cash benefits due ((the client prior to)) to you before any reductions caused by ((the client's failure)) your failure (or the failure of someone in your assistance unit) to perform an action required under a federal, state, or local means-tested public assistance program, such as TANF/SFA, GA, and SSI.~~

(3) When we count your unearned income, we count the amount you get before any taxes are taken out.

AMENDATORY SECTION (Amending WSR 99-17-025, filed 8/10/99, effective 10/1/99)

WAC 388-450-0030 What is earned income ((definition))? ~~((Unless specifically stated,)) This section applies to ((TANF/SFA, RCA, GA, TANF/SFA related medical and)) cash assistance, food assistance, and medical programs for families, children, and pregnant women.~~

(1) Earned income ((is:

(a) ~~Income a person receives in the form of cash or in-kind, which is a gain or benefit to the person, when earned as a wage, salary, tips, gratuities, commissions, or profit from self-employment activities.~~

(b) ~~Income over a period of time for which settlement is made at one time, such as sale of farm crops, livestock, or poultry.~~

(2) ~~For food assistance programs only, income in kind is excluded.~~

(3) ~~Earned income from self-employment is determined as specified under WAC 388-450-0080.~~

(4) ~~For TANF/SFA, RCA, GA H, and TANF/SFA-related medical assistance, earned income includes time loss compensation as specified in WAC 388-450-0075)) money you get from working. This includes:~~

(a) Wages;

(b) Tips;

(c) Commissions;

(d) Profits from self-employment activities as described in WAC 388-450-0080; and

(e) One-time payments for work you did over a period of time.

(2) For cash and medical assistance, we also consider you to have earned income if you work for something other than money, such as your rent.

(3) When we count your earned income, we count the amount you get before any taxes are taken out.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-450-0075	Income from time-loss compensation.
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WSR 02-16-032
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed July 29, 2002, 3:34 p.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 388-470-0075 How is my vehicle counted for food assistance?

Purpose: This rule explains how the department treats vehicles for food assistance. Certain vehicles can be excluded in their entirety. If a vehicle cannot be completely excluded, we must count it towards the resource limit.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.510.

Statute Being Implemented: RCW 74.08.090 and 74.04.510.

Summary: The current rule is incorrect and does not accurately reflect federal regulations. This exposes us to payment errors and could potentially result in federal sanctions.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Veronica Barnes, DEAP, P.O. Box 45400, 1000 College Street S.E., Lacey, WA 98503, (360) 413-3071.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law, 7 C.F.R. 237.8.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule implements new federal regulations for the treatment of vehicles. This CR-102 proposed rule-making notice is being filed without prior filing of a CR-101 preproposal statement of inquiry. It is exempt under RCW 34.05.310 (4)(c), "rules that adopt or incorporate by reference without material change federal statutes or regulations..."

Proposal Changes the Following Existing Rules: This rule now excludes any vehicle that has an equity value of less than \$1500, as required by 7 C.F.R. 237.8 (e)(3)(i)(G).

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses. It only affects DSHS clients' financial eligibility for food assistance benefits.

RCW 34.05.328 does not apply to this rule adoption. This rule is exempt as allowed under RCW 34.05.328 (5)(b)(vii), which states in part, "(t)his section does not apply to... rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents." The proposed rule affects DSHS clients financial eligibility for food assistance benefits.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on September 10, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by August [September] 6, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., September 10, 2002.

Date of Intended Adoption: Not earlier than September 11, 2002.

July 25, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-16-134, filed 7/31/01, effective 11/1/01)

WAC 388-470-0075 How is my vehicle counted for food assistance? This rule applies to food assistance only.

(1) A vehicle is a motorized device that the client can use as a regular means of transportation.

(2) If you own a licensed vehicle we (the department) ~~((exclude))~~ do not count its entire value ~~((, even when you are temporarily unemployed,))~~ if the vehicle ~~((is))~~:

(a) Has an equity value (Fair Market Value (FMV) minus what you owe on the vehicle) of one thousand five hundred dollars or less.

(b) Is used over fifty percent of the time ~~((for))~~ to make income ~~((-producing purposes)).~~ This includes vehicles such as a taxi, truck, or fishing boat. If you are a self-employed farmer or fisher and your self-employment ends, we ~~((continue to))~~ still exclude your vehicle for one year from the date you end your self-employment.

~~((b))~~ (c) Is used to ~~((produce))~~ make income each year that is consistent with its ~~((fair market value (-)))~~ FMV ~~((+))~~, even if used on a seasonal basis.

~~((c))~~ Necessary)

(d) Is needed for long-distance travel, other than daily commuting, for the employment of ~~((a household member whose resources are considered available to the assistance unit (AU), such as an ineligible alien or disqualified person-~~

~~(d))~~ Needed for hunting or fishing to support the household) an assistance unit (AU).

(e) Is used as ~~((the))~~ your AU's home.

(f) Is used to carry fuel for heating or water for home use when this is the primary source of fuel or water for ~~((the))~~ your AU.

(g) Is needed to transport a physically disabled AU member, no matter if the disability is permanent or temporary.

~~((h))~~ Likely to produce an equity value (FMV less what is owed on the vehicle) of no more than one thousand five hundred dollars.

~~((2))~~ If your)

(3) For licensed ~~((vehicle is))~~ vehicles we did not ~~((excluded))~~ exclude in subsection ~~((+))~~ (2) above ~~((and the))~~, we subtract four thousand six hundred fifty dollars from the vehicle's FMV ~~((is))~~ and count the remaining amount toward the resource limit for:

(a) ~~((Less than four thousand six hundred fifty dollars, we exclude each))~~ One vehicle ~~((less than four thousand six hundred fifty dollars))~~ for each adult AU member no matter how it is used; and

~~((Greater than four thousand six hundred fifty dollars, we count the amount in excess of four thousand six hundred fifty dollars toward the resource limit for:~~

~~((i))~~ One vehicle for each adult household member no matter how it is used; and

~~((ii))~~ Any vehicle ~~((a household))~~ an AU member under age eighteen uses to drive to work, school, training, or to look for work.

~~((3))~~ (4) If you have other licensed vehicles, we count the larger value of the following toward ~~((the))~~ your AU's resource limit:

(a) FMV greater than four thousand six hundred fifty dollars; or

(b) Equity value (FMV ~~((less))~~ minus what is owed on the vehicle).

~~((4))~~ (5) If you are a tribal member and drive an unlicensed vehicle on ~~((those reservations that don't))~~ a reservation that does not require vehicle licensing, we count or exclude your vehicle ~~((will be treated like))~~ as if it was a licensed vehicle.

~~((5))~~ (6) For all other unlicensed vehicles we count the equity value towards ~~((the))~~ your AU's resource limit unless the vehicle is:

(a) Used to ~~((produce))~~ make income each year that is consistent with its FMV, even if used on a seasonal basis; or

(b) Work-related equipment ~~((necessary))~~ needed for employment or self-employment of a ~~((household))~~ member of your AU.

~~((6))~~ When excluding vehicles due to their equity value,))

(7) We do not add ~~((up))~~ the equity values of ~~((multiple))~~ different vehicles together to perform the equity test. We look at each vehicle ~~((is evaluated))~~ separately ~~((and compared to your resource limit. For vehicles evaluated using the FMV test, we add the values of multiple vehicles together and compare the result to your resource limit)).~~ If a vehicle passes the equity test, we do not count it towards the resource maximum.

(8) After we determine the countable value of each vehicle, we add those values to your other countable resources to see if your resources are below your resource limit.

WSR 02-16-033

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed July 29, 2002, 3:35 p.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 388-450-0106 How does the department count my income if someone in my family cannot get assistance because of their alien status?

Purpose: This rule explains how we treat the income of people who have family members that cannot receive assistance because of their alien status.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.510.

Statute Being Implemented: RCW 74.08.090 and 74.04.510.

Summary: These rules are being modified to reflect the new federal regulations (45 C.F.R. 400.59) that require the department to exclude payments from the United States Department of State or Department of Justice reception and replacement programs.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Veronica Barnes, DEAP, P.O. Box 45400, 1000 College Street S.E., Lacey, WA 98503, (360) 413-3071.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law, 45 C.F.R. 400.59.

Explanation of Rule, its Purpose, and Anticipated Effects: The department will now use the same income calculations for refugee cash assistance (RCW) as it does for temporary assistance for needy families (TANF).

This proposed rule-making notice has been filed without prior filing of a CR-101 preproposal statement of inquiry per RCW 34.05.310. The proposed rule is exempt from filing a CR-101 under RCW 34.05.310 (4)(c). This section does not apply to rules adopting or incorporating by reference without material change federal statutes or regulations... Interested parties have had the opportunity to participate in the development of this proposed rule. Draft rules were circulated to interested parties for review and comment prior to filing a proposed rule-making notice.

Proposal Changes the Following Existing Rules: WAC 388-450-0106, now allows a 50% disregard from the earnings of the ineligible alien.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule does not have an economic impact on small businesses. It only affects DSHS clients' eligibility for benefits.

RCW 34.05.328 does not apply to this rule adoption. This rule does not fit the definition of a significant legislative rule, and is exempt under RCW 34.05.328 (5)(b)(vii), "This section does not apply to... rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents." The proposed rule only affects client financial eligibility for benefits.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on September 10, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by September 6, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail FernaAX@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail FernaAX@dshs.wa.gov, by 5:00 p.m., September 10, 2002.

Date of Intended Adoption: Not earlier than September 11, 2002.

July 25, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-16-024, filed 7/26/99, effective 9/1/99)

WAC 388-450-0106 (~~Allocating the~~) How does the department count my income (~~of a financially responsible person included in the~~) if someone in my family cannot get assistance (~~(unit to household members excluded)~~) because of their alien status(~~(?)~~)? This section applies to TANF/SFA, RCA, and RMA (~~(and TANF/SFA related medical programs)~~). We count your income differently if you are applying for medical assistance only. See WAC 388-408-0055.

~~(When a)~~ If you are included in the assistance unit and you are financially responsible (~~(person)~~) for someone, as defined in WAC 388-450-0100(~~(?)~~), is included in the assistance unit, that person's income is allocated to household members who are excluded from the assistance unit because of their alien status, as defined in WAC 388-450-0100 (4)(a), after allowing the following deductions), who does not meet the alien requirements described in WAC 388-424-0005, we do not count all of your income. We subtract some of it so that you can use that part to help support the people who cannot get assistance. To figure out how much we count, we take the following seven steps:

(1) (~~The~~) We start by only counting fifty percent of your earned income (~~(incentive for TANF/SFA assistance units or the ninety dollar work expense deduction for RCA assistance units, if the income is earned)~~), as defined in WAC 388-450-0030;

(2) (~~An amount equal to~~) We add all of your unearned income, as defined in WAC 388-450-0025.

(3) We subtract the difference between the following payment standards (payment standards can be found in WAC 388-478-0020):

(a) One that (~~would include the~~) includes both eligible assistance unit members and those (~~(individuals excluded from the assistance unit)~~) who cannot get assistance because of their alien status; and

(b) One that includes only the eligible assistance unit members.

(~~(?)~~) (4) We subtract the payment standard (~~amount equal to~~) for the number of people who are ineligible (~~(persons)~~) for reasons other than alien status, as defined in WAC 388-450-0100 (4)(b) through (f)(~~(?)~~);

(4) ~~An amount not to exceed the need standard, as defined in WAC 388-478-0015, for~~);

(5) We subtract any court or administratively ordered (~~current or back~~) child support (~~(paid)~~) you pay for legal dependents(~~(?)~~ and

~~(?)~~). This includes both current and back support. The amount cannot be more than the need standard in WAC 388-478-0015 for the number of dependents.

(6) We subtract any employment-related child care expenses ((for which the household is liable)) you have.

(7) Then, we count whatever is left as unearned income.

WSR 02-16-034

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed July 29, 2002, 3:36 p.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 251-18-190 Eligible lists—Duration and 251-10-030 Layoff.

Purpose: These rules pertain to the duration of eligible lists and layoff for higher education state employees.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Summary: These modifications are intended to clarify how layoff rights and options are determined for employees who have held status in classes that have been revised or abolished by a classification review or study.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: These rules pertain to the duration of eligible lists and layoff for higher education state employees.

These modifications are intended to clarify how layoff rights and options are determined for employees who have held status in classes that have been revised or abolished by a classification review or study.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on September 12, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by September 5, 2002, TDD (360) 753-4107, or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by September 10, 2002.

Date of Intended Adoption: September 12, 2002.

July 29, 2002

E. C. Matt

Secretary

AMENDATORY SECTION (Amending WSR 93-19-078, filed 9/14/93, effective 10/1/93)

WAC 251-18-190 Eligible lists—Duration. (1) The duration of eligibility on a list begins the date the name is placed on the list and ends as follows:

(a) After two years on an institution-wide layoff list or statewide layoff list;

(b) After one year on an organizational unit or institution-wide promotional list, special employment program layoff list, interinstitutional employee list or intersystem employee list;

(c) After six months on an open competitive or noncompetitive list.

(2) Prior to the original expiration date of a name on an institution-wide layoff list, an organizational unit promotional list, an institution-wide promotional list, a special employment program layoff list, an interinstitutional employee list, or an intersystem employee list, the eligible shall be notified of the expiration and given the opportunity to extend eligibility for one additional year by written request to the personnel officer.

(3) The personnel officer may extend an entire eligible list for the following periods:

(a) Six months for open competitive and noncompetitive lists;

(b) One year for all other lists.

(4) The personnel officer shall cancel the entire eligible list when the class or examination has been changed to the degree that the list would be invalid. All affected eligibles shall be notified of the cancellation. If an institution-wide layoff list or statewide layoff list is cancelled because of a class revision or abolishment, eligibles shall be placed on the institution-wide layoff list or the statewide layoff list for the new or revised class which describes the work they were performing at the time they held permanent status in the old class. The duration of eligibility on the new list is unchanged.

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-10-030 Layoff. (1) An appointing authority may layoff or reduce the number of working hours or the work year of an employee without prejudice because of lack of funds or lack of work and/or for good faith reorganization for efficiency purposes.

(2) Each institution shall develop for approval by the director a layoff procedure based upon layoff seniority as defined in WAC 251-01-245, to include as a minimum:

(a) Clearly defined layoff unit(s), in order to minimize the disruption of an institution's total operation, and

(b) Provision for veterans preference for eligible veterans and their unmarried widows/widowers as defined in WAC 251-10-045.

(3) A permanent status employee shall receive at least 20 calendar days written notice of layoff, including no less than three working days in which to select placement on layoff list(s) and/or an option in lieu of layoff as provided in subsections (4) and (5) of this section. Such written notice shall be

furnished directly to the employee during his/her scheduled working hours or mailed by certified letter to the employee's last known address because the employee is not available for personal service. If the notification is furnished directly to the employee, the day it is furnished shall not be counted as a day of notice. If the notification is mailed, the day of mailing shall not be counted as a day of notice, and the notice shall be considered to be received the day after it is postmarked. If the notification is mailed, the employee shall be given no less than five working days in which to select placement on the layoff list(s) and/or an option in lieu of layoff.

(4) Within the layoff unit, a permanent status employee scheduled for layoff shall be offered employment options to position(s):

(a) For which he/she meets any specific position requirements;

(b) Which are comparable, as determined by the personnel officer; and

(c) Which are in:

(i) Class(es) in which the employee has held permanent status which have the same or lower salary range maximum as the current class;

(ii) Lower class(es) in those same class series for which the employee is qualified.

The employee may exercise either option subsection (4)(c)(i) or (ii) of this section provided that the employee being replaced is the least senior in a comparable position in the class and has less layoff seniority than the employee replacing him/her. A vacant position, if available, should be considered to be the position in the class held by the least senior person. The employee may elect to have access to less-than-comparable positions by so notifying the personnel officer in writing.

When determining layoff options, if a class in which an employee has previously held permanent status has been revised or abolished, the personnel officer shall determine the existing classification to offer as a layoff option provided it is at the same or lower salary range maximum as the current class. This determination shall be based upon the duties the employee was performing at the time they held permanent status in the class.

(5) Except as provided in WAC 251-10-035, a permanent employee scheduled for layoff who has no options available under subsection (4) of this section shall be offered position(s) as follows:

(a) The personnel officer will offer in writing not less than three positions from among the highest available classes (unless the total available is less than three); provided that any position(s) offered must be:

(i) At the same level or lower than the class from which the employee is being laid off; and

(ii) Vacant or held by a provisional, temporary, or probationary employee; and

(iii) In a class for which the employee being laid off meets the minimum qualifications and can pass the appropriate qualifying examination.

(b) The employee will be required to indicate within three working days his/her interest in a specific class(es) so that the personnel officer may schedule the appropriate examination(s).

(c) Upon satisfactory completion of the examination(s) the employee will be offered option(s) to specific position(s), including salary information.

(d) Employees appointed to positions through provisions of this subsection will be required to serve a trial service period.

(6) In order to be offered a layoff option or return from layoff to a position for which specific position requirements have been documented in accordance with WAC 251-18-255(1), the employee must demonstrate a satisfactory level of knowledge, skill, or ability on the specific position requirements.

(7) In a layoff action involving a position for which a particular sex is a bona fide occupational requirement, as approved by the Washington state human rights commission, the most senior employee meeting the occupational requirements may be retained in the position over more senior employees in such class who do not meet the occupational requirement.

(8) When it is determined that layoffs will occur within a unit, the personnel officer will:

(a) Provide a copy of the institution's reduction in force procedure to all employees subject to layoff;

(b) Advise each employee in writing of available options in lieu of layoff;

(c) Advise each employee in writing of the specific layoff list(s) upon which he/she may be placed as required per WAC 251-10-055 and 251-10-035;

(d) Provide information about the process by which the employee may make application for statewide layoff lists, as required per WAC 251-10-060(7);

(e) Advise each employee in writing of the right to appeal his/her layoff to the personnel appeals board per WAC 251-12-080.

(9) Layoff actions for employees of special employment programs as identified in WAC 251-19-150 shall be administered as provided in WAC 251-10-035.

WSR 02-16-035

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed July 29, 2002, 3:38 p.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 356-15-080 Standby compensation.

Purpose: This rule pertains to employee standby compensation.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Summary: The modification is being proposed to clarify on-call availability status and eliminate questionable and inaccurate language.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule pertains to standby compensation and requirements. The modification to the rule is to clarify the questionable and inaccurate language.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on September 12, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by September 5, 2002, TDD (360) 753-4107 or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by September 10, 2002.

Date of Intended Adoption: September 12, 2002.

July 29, 2002

E. C. Matt
Secretary

AMENDATORY SECTION (Amending WSR 91-20-027 (Order 381), filed 9/23/91, effective 10/24/01 [10/24/91])

WAC 356-15-080 Standby compensation. (1) Requirements:

(a) An employee is in standby status (~~when not being paid for time actually worked~~) while waiting to be engaged to work by the employer and both of the following conditions exist:

(i) The employee is required to be present at a specified location or is immediately available to be contacted. The employer may specify the location. The location may be the employee's home or other specific location, but not a work site away from home. When the standby location is the employee's home, and the home is on the same state property where the employee works, the home is not considered a work site.

(ii) The agency requires the employee to be prepared to report immediately for work if the need arises, although the need might not arise.

Note: When the nature of a duty station confines an employee during off duty hours (e.g., a ship), and that confinement is a normal condition of work in the employee's position, standby compensation is not required merely because the employee is confined.

(b) An agency may issue a written policy stating that an employee is in standby status (~~when not being paid for time worked~~) while waiting to be engaged to work when required to leave a telephone number with the agency or remain in communication with a dispatching authority to respond to a call to begin work in a specified time limit.

(c) Standby status shall not be concurrent with work time.

(2) **Payment:** Any scheduled or nonscheduled work period employee required to stand by shall be paid the hourly standby rate. Standby pay may be authorized by an agency for exceptions work period employees. Standby pay for exceptions work period employees may be compensated with exchange time. (~~Exceptions work period employee standby may be compensated with compensatory time. The compensatory time shall be equal in base salary to the dollar amount of standby pay earned.~~)

(3) **Rate:** The standby hourly rate for each step of any range is calculated by dividing the maximum number of standby hours in a workweek (128 hours) into the difference between that step of the range and the same letter step of the range which is exactly two whole numbers higher. That is: (28 - 26, or 28.3 - 26.3) divided by 128 hours.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 02-16-036

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed July 29, 2002, 3:41 p.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 356-05-465 Veteran.

Purpose: This rule pertains to veterans.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Summary: This modification takes out the requirement that a military retirement be adjudicated "voluntary" as evidenced by the DD214 or other official military documents.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule pertains to veterans. This modification takes out the requirement that a military retirement be adjudicated "voluntary" as evidenced by the DD214 or other official military documents.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on September 12, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by September 5, 2002, TDD (360) 753-4107 or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by September 10, 2002.

Date of Intended Adoption: September 12, 2002.

July 29, 2002

E. C. Matt
Secretary

Assistance for Persons with Disabilities: Contact Agency Receptionist, (206) 689-4010, by October 17, 2002, TDD (800) 833-6388 or (800) 833-6385 (Braille).

Submit Written Comments to: Dennis McLerran, Puget Sound Clean Air Agency, 110 Union Street, Suite 500, Seattle, WA 98101, fax (206) 343-7522, by October 14, 2002.

Date of Intended Adoption: October 24, 2002.

July 29, 2002

John K. Anderson
Supervisory Engineer

AMENDATORY SECTION (Amending WSR 88-14-070 (Order 302), filed 7/1/88)

WAC 356-05-465 Veteran. For the purpose of determining seniority, as defined in WAC 356-05-390, for granting preference during layoffs and subsequent reemployment, any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge is given: Provided, That for the purposes of this section "veteran" does not include any person who has:

(1) Voluntarily retired with ((F)) twenty or more years of active military service, ((and whose retirement is designated by the armed forces of the United States as "voluntary" as evidenced by the DD Form 214 or other official military records)) in that the veteran had the option to remain on active duty in the military; and

(2) Whose military retirement pay is in excess of five hundred dollars per month.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 02-16-037
PROPOSED RULES
PUGET SOUND
CLEAN AIR AGENCY
[Filed July 30, 2002, 8:57 a.m.]

Continuance of WSR 02-13-124.

Title of Rule: Adopt Regulation I, Section 8.06; amend Regulation II, Section 2.09; and adopt Regulation II, Section 2.10.

Purpose: Continue hearing from July 25, 2002, to October 24, 2002.

Statutory Authority for Adoption: Chapter 70.94 RCW.
Statute Being Implemented: RCW 70.94.141.

Hearing Location: Puget Sound Clean Air Agency, 110 Union Street, #500, Seattle, WA 98101, on October 24, 2002, at 9:15 a.m.

WSR 02-16-041
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed July 30, 2002, 4:27 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-12-024.

Title of Rule: Chapter 392-143 WAC, Transportation—Specifications for school buses.

Purpose: The amendment will update the WAC to reflect new legislation requirements, and amend the specification requirements on school buses related to sign and markings - exterior and interior. These changes will also be reflected in the school bus specifications manual.

Statutory Authority for Adoption: RCW 46.61.380.

Statute Being Implemented: RCW 46.61.380.

Summary: To amend the specification requirements on school buses related to sign and markings - exterior and interior. The changes will also be reflected in the school bus specifications manual.

Name of Agency Personnel Responsible for Drafting: Linda Harrison, Office of Superintendent of Public Instruction, (360) 725-6130; Implementation: Marcia Riggers, Office of Superintendent of Public Instruction, (360) 725-6175; and Enforcement: Allan J. Jones, Office of Superintendent of Public Instruction, (360) 725-6120.

Name of Proponent: Office of Superintendent of Public Instruction, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: The change will allow the signs and markings for school buses - exterior and interior to be defined in the school bus specifications manual instead of the WAC. The change will also allow and regulate United States flags on school buses pursuant to SSB 6389 adopted during the 2002 legislative session.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This change will have no or very negligible economic impact.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Old Capitol Building, Wanamaker Conference Room, 1st Floor, P.O. Box 47200, Olympia, WA 98504-7200, on September 11, 2002, at 9-11 a.m.

Assistance for Persons with Disabilities: Contact Sheila Emery by September 4, 2002, TDD (360) 664-3631, or (360) 725-6271.

Submit Written Comments to: Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, 600 South Washington Street, Olympia, WA 98504-7200, fax (360) 753-4201, by September 3, 2002.

Date of Intended Adoption: September 12, 2002.

July 30, 2002

Dr. Terry Bergeson
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 22, filed 11/19/91, effective 11/19/91)

WAC 392-143-080 Signs and markings for school buses—Exterior—Interior. Signs and markings on the exterior of any school bus shall be limited to the requirements of RCW 46.61.380, the Washington state minimum specifications manual for school buses addressing "identification" and "color," the minimum requirements of "Highway Safety Program Standard No. 17," and any applicable Federal Motor Vehicle Safety Standard (FMVSS). In addition, the district name may be placed on the front and/or back of the bus below the window line in letters no larger than three inches in height and equipment identification numbers may be placed on the front and/or rear of school bus and/or on or near one or more of the four corners of the bus.

Signs and markings on the interior of any bus shall be limited to necessary and/or required manufacturers' equipment and/or component identification and instruction, the requirements of the Washington state minimum specification manual for school buses addressing "emergency equipment cabinet" and "permit holder" and FMVSS 217 addressing "emergency exit identification." In addition, WAC rules and/or district policy addressing student conduct and safety related issues may be displayed in the driver's compartment in an area which will not obstruct the driver's view. ~~((Also a sign for route identification may be displayed in the first right side passenger window. The sign shall be no larger than seventy five square inches in total area, and numbers, letters or characters shall be mounted on transparent material.))~~

WSR 02-16-046

PROPOSED RULES

WASHINGTON STATE PATROL

[Filed August 1, 2002, 8:43 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-11-037.

Title of Rule: Chapter 204-95 WAC, State patrol (Commission on Equipment), limousine businesses.

Purpose: The WAC describes fees, annual inspections, and safety equipment for limousine businesses.

Statutory Authority for Adoption: RCW 46.37.005.

Summary: Amendment is being made to correct the use of the commercial vehicle safety alliance (CVSA) decal. The decal was not intended for limousines.

Reasons Supporting Proposal: The CVSA decal was not intended for use on a limousine. It is intended for commercial trucks having to comply with all the rules and regulations in the Federal Motor Carrier Safety Regulations (FMVSR) Handbook. Limousines are not required to meet all the rules associated with the FMVSR. This amendment will keep the Washington State Patrol (WSP) in compliance with the rules governing the use of the CVSA decal.

Name of Agency Personnel Responsible for Drafting and Implementation: Ms. Christine Fox, P.O. Box 42614, Olympia, WA 98504-2614, (360) 753-3697; and Enforcement: Captain Frederick Fakkema, P.O. Box 42614, Olympia, WA 98504-2600, (360) 753-0302.

Name of Proponent: Washington State Patrol, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Approve of the amendment.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The WAC describes fees, annual inspections, and safety equipment for limousine businesses. Amendment is being made to correct the use of the commercial vehicle safety alliance (CVSA) decal. The decal was not intended for limousines.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No small business impact made from this amendment.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Commercial Vehicle Division Conference Room (G-21), General Administration Building, 210 11th Avenue S.W., Olympia, WA 98504, on September 17, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Mr. Mike Palios by September 15, 2002, TDD (253) 536-4270 or (360) 753-5966.

Submit Written Comments to: Ms. Christine Fox, Washington State Patrol, P.O. Box 42614, Cfox@wsp.wa.gov, fax (360) 586-8233, by September 15, 2002.

Date of Intended Adoption: October 1, 2002.

July 31, 2002

Ronal W. Serpas
Chief

AMENDATORY SECTION (Amending WSR 97-03-127, filed 1/22/97, effective 2/22/97)

WAC 204-95-030 Fees. The master license service of the department of licensing, as authorized in RCW 46.72A.030 and 46.72A.090, shall charge and collect the following fees on behalf of the Washington state patrol:

Fees listed in WAC 308-87-060

Initial and Annual Limousine Vehicle Safety Inspection \$25.00

(Reinspection) \$15.00

Background Check Fees as set in WAC 446-20-600

When required for a limousine carrier business license applicant, licensee, or limousine chauffeur, the background check shall consist of a fingerprint card based criminal background search at the state level conducted by the Washington state patrol identification section.

AMENDATORY SECTION (Amending WSR 97-03-127, filed 1/22/97, effective 2/22/97)

WAC 204-95-080 Annual inspections, safety of equipment. Upon the request of a ~~(new)~~ limousine carrier business license applicant or ~~(a limousine operator)~~ licensee applying for the initial issuance, or annual renewal of their limousine (license) vehicle certificate(s) with the department of licensing, the Washington state patrol shall conduct a safety inspection of the ~~(equipment)~~ vehicle(s) to be used in the limousine service. Applicants ~~(or operators)~~ and licensees must present their limousine vehicle(s) at a Washington state patrol ~~(district or detachment office for)~~ inspection site, by appointment, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. The limousine vehicle must pass the inspection to qualify for initial issuance or renewal of (original) the limousine (operator license with) vehicle certificate by the department of licensing. The vehicle inspection will consist ~~(for)~~ of the following:

(1) All standard equipment for vehicles will be checked to include brake systems, functional brake performance test, wheel systems, steering and suspension, fuel system, exhaust system, lighting and signal system, visibility system, body components, interior condition and cleanliness.

~~(2) (If a vehicle fails an initial inspection and must be reinspected, a reinspection fee as provided in WAC 308-87-060 will apply. The applicant or operator must present the original inspection form and reinspection form to the department of licensing.~~

~~(3))~~ Upon successful completion of the safety inspection, ~~(a commercial vehicle safety alliance decal will be applied to the upper right hand corner of the windshield)~~ the licensee will be given a copy of the inspection form to submit to department of licensing. Upon receipt and approval of all licensing documents and fees, the master license service will issue a decal to the limousine carrier business licensee for each limousine vehicle to be placed on the vehicle's right rear bumper.

WSR 02-16-055

PROPOSED RULES

DEPARTMENT OF REVENUE

[Filed August 1, 2002, 4:20 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-10-110.

Title of Rule: Chapter 458-19 WAC, Levy rules. WAC 458-19-005 Definitions, 458-19-010 Levy limit and levy rate calculations, 458-19-020 ~~((One hundred six percent))~~ Levy limit—Method of calculation. ~~((RCW 84.55.010 and 84.55.092))~~, 458-19-025 ~~((One hundred six percent levy limit))~~ Restoration of regular levy. ~~((RCW 84.55.015))~~, 458-19-030 ~~((One hundred six percent))~~ Levy limit—Consolidation of districts. ~~((RCW 84.55.020))~~, 458-19-035 ~~((One hundred six percent))~~ Levy limit—Annexation. ~~((RCW 84.55.030 and 84.55.110))~~, 458-19-040 ~~((One hundred six percent))~~ Levy limit—Newly formed taxing district. ~~((RCW 84.55.035))~~, 458-19-045 ~~((One hundred six percent))~~ Levy limit—Removal of limit (lid lift). ~~((RCW 84.55.050))~~, 458-19-050 Port district levies, 458-19-055 ~~((One hundred six percent))~~ Levy limit—Proration of earmarked funds, 458-19-060 Emergency medical service levy, 458-19-065 ~~((One hundred six percent))~~ Levy limit—Protection of future levy capacity, 458-19-070 Procedure to adjust consolidated levy rate for taxing districts when ~~((limits))~~ the statutory aggregate dollar rate limit is exceeded. ~~((RCW 84.52.010 and 84.52.050))~~, 458-19-075 Constitutional one percent ~~((levy))~~ limit calculation, 458-19-080 City annexed by fire protection and/or library districts. ~~((RCW 53.04.081 and 27.12.390))~~, and 458-19-550 State levy—Apportionment between counties; new section WAC 458-19-085 Refunds—Procedures—Applicable limits; and repealing WAC 458-19-015 Assessor to determine one hundred six percent levy limit—Exceptions.

Purpose: This chapter of rules is designed to assist assessors, taxing districts, and others involved in the levy making process.

Statutory Authority for Adoption: RCW 84.08.010, 84.08.070, 84.48.080, 84.55.060, and 84.52.0502.

Statute Being Implemented: Chapters 84.52 and 84.55 RCW.

Summary: This rule making will clarify existing rules, incorporate changes made to the various levy statutes since the rules were last adopted in 1994, incorporate the text of several property tax bulletins, and reflect the changes made to the statutes by recent referendums and initiatives passed by the voters of this state.

Reasons Supporting Proposal: To update existing levy rules so that they reflect current law and to incorporate information from several property tax bulletins.

Name of Agency Personnel Responsible for Drafting: Kim M. Qually, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6113; Implementation and Enforcement: Sandy Guilfoil, 1025 Union Avenue S.E., Suite #200, Olympia, WA, (360) 570-5860.

Name of Proponent: Department of Revenue, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Several rules are being updated to reflect current law and to provide up-to-date examples:

- WAC 458-19-025 discusses how to restore a regular property tax levy if one has not been levied since 1985;
- WAC 458-19-030 regarding the calculation of a levy when there has been a consolidation of similar taxing districts;
- WAC 458-19-040 concerning newly formed taxing districts;
- WAC 458-19-045 regarding temporary and permanent lifts of the levy limit ("lid lifts");
- WAC 458-19-060 regarding emergency service levies;
- WAC 458-19-065 on how a levy district may protect its future levying capacity;
- WAC 458-19-075 concerning the constitutional one percent limit and prorationing if this limit is exceeded;
- WAC 458-19-080 regarding the impact of a city or town being annexed by a fire protection and/or library district; and
- WAC 458-19-550 regarding apportionment of the state levy.

Additionally:

- WAC 458-19-005 is being amended so that it accurately reflects the current definitions of terms used in connection with the levy making process. The revised rule will clarify existing definitions and will include new terms brought into the levy making process by recent statutory changes, referendums, and initiatives.
- WAC 458-19-010 is being amended to make it clear who or what entity sets the levy limit and levy rates. The proposed rule also incorporates the text of WAC 458-19-015 Assessor to determine one hundred six percent levy limit—Exceptions, which will be repealed.
- WAC 458-19-020 explains the method used to calculate the levy limit contained in RCW 84.55.010 and 84.55.092. The proposed rule includes a description of the process set forth in RCW 84.55.0101 regarding the finding of "substantial need" now required to raise a taxing district's levy limit.
- WAC 458-19-035 regarding annexations is being amended to incorporate statutory changes and to correct and update the example given. This rule is also being expanded to incorporate the contents of PTB 81-4 regarding forest fire patrol protection assessments.
- WAC 458-19-050 regarding port district levies is being updated to reflect the new levy limit and to remove unnecessary information regarding indebtedness of port districts.
- WAC 458-19-055 discusses the different funds that exist within the levies of municipalities and counties. These funds are earmarked for a specific purpose and are subject to prorationing under chapter 84.55 RCW. The proposed rule explains when and how to reduce the levy rates of such funds.
- WAC 458-19-070 deals with the adjustments or prorationing required when the consolidated levy rate

exceeds the statutory aggregate dollar rate limit of \$5.90. This rule has been reorganized and the example within it has been updated.

- WAC 458-19-085 regarding refunds is a new rule that incorporates the contents of two property tax bulletins: PTB 91-11 "Administrative Refunds" and PTB 92-2 "County Tax Refund Fund Levy," which will be canceled. This rule provides information about the different types of refunds authorized by chapters 84.68 and 84.69 RCW.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Profit making businesses are not affected by this rule. These rules do not impose any additional burdens or responsibilities upon small businesses; they affect only assessors and other individuals involved in the levy making process.

RCW 34.05.328 does not apply to this rule adoption. These are interpretative rules as such are defined by RCW 34.05.328.

Hearing Location: Capital Plaza Building, 1025 Union Avenue S.E., 4th Floor Large Conference Room, Olympia, WA, on September 10, 2002, at 2 p.m.

Assistance for Persons with Disabilities: Contact Sandy Davis, no later than ten days before the hearing date at (360) 570-6175 or TTY 1-800-451-7985.

Submit Written Comments to: Kim M. Qually, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail kimq@dor.wa.gov, by September 10, 2002.

Date of Intended Adoption: September 17, 2002.

August 1, 2002

Alan R. Lynn

Rules Coordinator

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 94-07-066, filed 3/14/94, effective 4/14/94)

WAC 458-19-005 Definitions. (1) Introduction. This rule contains definitions of the terms used throughout chapters 84.52 and 84.55 RCW and chapter 458-19 WAC in the administration of the system used to levy property taxes on taxable property within the state of Washington.

(2) Unless the context clearly requires otherwise, the following definitions apply (~~throughout this chapter~~):

((1)) (a) "Annexation" (~~is the act of~~) means one taxing district is adding territory or another dissimilar taxing district from outside the annexing taxing district's boundary and includes a merger of a portion of a fire protection district under chapter 52.06 RCW with another fire protection district.

((2)) (b) "Assessed value" ((is)) means the value of taxable property placed on the assessment rolls. The term is often abbreviated with the initials "A.V."

((3)) (c) "Certified property tax levy" ((is)) means the levy certified by a taxing district to the county assessor, either

through the county legislative authority or directly to the assessor (~~directly~~).

~~((4))~~ (d) "Certified property tax levy rate" (~~(is)~~) means the tax rate calculated by the county assessor in accordance with law(~~s~~) to produce the lawful amount of the certified property tax levy.

~~((5))~~ (e) "Consolidated levy rate" means:

~~((a))~~ (i) For purposes of the statutory aggregate dollar rate levy limit (~~(\$5.90)~~), the sum of all regular levy rates set for collection exclusive of rates set for port and public utility districts, emergency medical services under RCW 84.52.069, conservation futures under RCW 84.34.230, (~~and~~) levies to finance affordable housing under RCW 84.52.105(~~s~~);

~~(b))~~, and the portion of metropolitan park district levies protected under RCW 84.52.120; and

(ii) For purposes of the constitutional one percent (~~levy~~) limit, the sum of all regular levy rates set for collection exclusive of rates set for port and public utility districts.

~~((6))~~ (f) "Consolidation" (~~(is)~~) means the act of combining two or more similar taxing districts into one taxing district; for example, the combination of two fire protection districts into one fire protection district.

~~((7) "Constitutional limit" or)~~ (g) "Constitutional one percent (~~levy~~) limit" means the levy limit established by Article VII, section 2 of the state Constitution, which prohibits the aggregate of all tax levies on real and personal property from exceeding one percent (\$10 per \$1,000) of the true and fair value of property. This limit does not apply to excess levies, levies by port districts, and levies by public utility districts. This limit is also (~~stated~~) set forth in RCW 84.52.050.

~~((8))~~ (h) "Department" means the department of revenue of the state of Washington.

~~((9))~~ (i) "Excess property tax levy" (~~(means the lawfully authorized levy by a taxing district, other than a port or public utility district, of additional taxes in excess of the statutory aggregate dollar rate limit, the statutory dollar rate limit, or the constitutional one percent levy limit, when authorized so to do by the voters of the taxing district in the manner specified in the state Constitution (Article VII, section 2))~~) or "excess levy" means a voter-approved property tax levy by or for a taxing district, other than a port or public utility district, that is not subject to the statutory aggregate dollar rate limit set forth in RCW 84.52.043 nor the constitutional one percent limit set forth in Article VII, section 2 of the state Constitution and in RCW 84.52.050. It does not include regular levies allowed to exceed a statutory limit with voter approval.

~~((10))~~ (j) "Improvement" means any valuable change in or addition to real property, including the subdivision or segregation of parcels of real property or the merger of parcels of real property.

~~((11))~~ (k) "Inflation" means the percentage change in the implicit price deflator for personal consumption expenditures for the United States as published for the most recent twelve-month period by the Bureau of Economic Analysis of the Federal Department of Commerce in September of the year before the taxes are payable; see RCW 84.55.005.

(l) "Joint taxing district" means a taxing district that exists in two or more counties; the term does not include the

state nor does it include an (~~inter-county~~) intercounty rural library district.

~~((12))~~ (m) "Junior taxing district" means a taxing district other than the state, a county, a county road district, a city, a town, a port district, or a public utility district.

~~((13))~~ (n) "Levy limit" means the statutorily established limit that prohibits a taxing district, other than the state, from levying regular property taxes for a particular year that exceed the limit factor multiplied by the highest amount of regular property taxes that could have been lawfully levied in the taxing district in any year since 1985, plus an additional dollar amount calculated by multiplying the increase during the current year of the assessed value in the taxing district due to new construction, improvements to property, and the increase in the value of state assessed property by the levy rate of that district for the preceding year, or the last year the taxing district levied taxes.

(i) For purposes of the levy limit, the phrase "highest amount of regular property taxes that could have been lawfully levied" means the maximum amount that could have been levied by a taxing district under the limitation set forth in chapter 84.55 RCW unless the highest amount that could have been levied was actually restricted by the taxing district's statutory dollar rate limit. If the taxing district's dollar rate levy was restricted by the statutory dollar rate limit, the highest amount that could have been lawfully levied is the amount produced by multiplying the assessed value of the taxing district by the statutory dollar rate.

(ii) The levy limit for the state is the limit factor multiplied by the highest amount of regular property taxes lawfully levied in the three most recent years, plus an additional dollar amount attributable to new construction, improvements to property, and any increase in the assessed value of state assessed property.

(o) "Levy rate" means the dollar amount per thousand dollars of assessed value applied to taxable property within a taxing district and is calculated by dividing the total amount of a statutorily authorized levy of a taxing district by the total assessed value of that district (~~(, divided by one thousand,)~~) and is expressed in dollars and cents per (~~(one))~~ thousand dollars of assessed value.

~~((14))~~ (p) "Limit factor" means:

(i) For taxing districts with a population of less than ten thousand in the calendar year immediately prior to the assessment, one hundred one percent;

(ii) For taxing districts having made a finding of substantial need in accordance with RCW 84.55.0101, the lesser of the substantial need factor or one hundred one percent; or

(iii) For all other taxing districts, including the state, the lesser of one hundred one percent or one hundred percent plus inflation.

(q) "New construction" means the construction or alteration of any property for which a building permit was issued, or should have been issued, under chapter 19.27, 19.27A, or 19.28 RCW or other laws providing for building permits, which results in an increase in the value of the property.

~~((15) "One hundred six percent limit" is the statutorily established limit that prohibits a taxing district other than the state from levying regular property taxes in any year that exceed one hundred six percent of the highest amount of reg-~~

~~ular property taxes that could have been lawfully levied in that taxing district in any year since 1985, plus an additional dollar amount calculated by multiplying the increase during the current year of the assessed value in the taxing district due to new construction, improvements to property and the increase in the value of state assessed property by the levy rate of that district for the preceding year.~~

~~(a) For purposes of the one hundred six percent limit, the phrase "highest amount of regular property taxes that could have been lawfully levied" means the maximum levy amount that could have been produced by a taxing district under the one hundred six percent limit unless the highest levy amount that could have been produced was actually restricted by the taxing district's statutory dollar rate limit.~~

~~(b) The state is prohibited from levying regular property taxes in any year that exceed one hundred six percent of the amount of regular property taxes lawfully levied in the highest of the three most recent years, plus the additional dollar amount calculated in the same manner as for other taxing districts.~~

~~(16)) (r) "Regular property tax levy" or "regular levy" means a property tax levy by or for a taxing district that is subject to the statutory aggregate dollar rate limit set forth in RCW 84.52.043 ~~((and))~~, the constitutional one percent ~~((levy))~~ limit set forth in RCW 84.52.050, or a levy imposed by or for a port district or a public utility district.~~

~~((17)) (s) "Regular property taxes" ~~((are))~~ means those taxes resulting from regular property tax levies.~~

~~((18)) (t) "Senior taxing district" means the state (for support of common schools), a county, a county road district, a city, or a town.~~

~~((19)) (u) "Statutory aggregate dollar rate limit" or "statutory aggregate limit" means the maximum aggregate regular property tax levy rate within a county established by law for senior and junior taxing districts, other than the state. See WAC 458-19-070 for the current limit.~~

~~((20)) (v) "Substantial need limit factor" means a limit factor approved by a taxing district's legislative authority that exceeds one hundred percent plus inflation. This limit cannot exceed one hundred one percent.~~

~~(w) "Statutory dollar rate limit" means the maximum regular property tax levy rate established by law for a particular class of taxing district.~~

~~((21)) (x) "Super majority" means a majority of at least three-fifths of the registered voters of a taxing district approving a proposition authorizing a levy, at which election the number of persons voting "yes" on the proposition ~~((shall))~~ constitutes three-fifths of a number equal to forty percent of the total votes cast in ~~((such))~~ the taxing district in the last preceding general election; or by a majority of at least three-fifths of the registered voters of the taxing district voting on the proposition when the number of registered voters voting on the proposition exceeds forty percent of the total votes cast in ~~((such))~~ the taxing district in the last preceding general election.~~

~~((22)) (y) "Tax code area" means a geographical area made up of a unique mix of one or more taxing districts, which is established for the purpose of properly calculating, collecting, and distributing taxes. Only one tax code area will~~

have the same combination of taxing districts, with limited exceptions.

~~((23)) (z) "Taxing district" means the state and any county, city, town, ~~((township;))~~ port district, school district, road district, metropolitan park district, water-sewer district, or other municipal corporation, now or hereafter existing, having the power or authorized by law to impose burdens upon property within the district on an ad valorem basis, for the purpose of obtaining revenue for public purposes, as distinguished from municipal corporations authorized to impose burdens, or for which burdens may be imposed for public purposes, upon property in proportion to the benefits accruing thereto.~~

AMENDATORY SECTION (Amending WSR 94-07-066, filed 3/14/94, effective 4/14/94)

WAC 458-19-010 Levy limit and levy rate calculations. ~~((1) Assessor sets levy rates. The county assessor shall calculate the certified property tax levy rate necessary to collect the amount of taxes authorized in the certified property tax levy of each taxing district, within the limitations provided by law.~~

~~(2) Joint taxing district. For a joint taxing district, the assessor of the county in which is located the greatest amount of assessed value of the joint taxing district shall calculate the levy rate for the joint taxing district.~~

~~(3) Intercounty rural library district. The board of trustees of an intercounty rural library district shall calculate the levy rate for such district in consultation with the respective county assessors and certify that rate to the respective county legislative authorities.)~~ (1) Introduction. This rule explains two of the basic steps in the levy setting process. First, who determines the levy limit for all taxing districts and second, who calculates the levy rate for the various taxing districts.

(2) Who determines the levy limit? The assessor generally determines the levy limit for all taxing districts levying regular property taxes. However, the levy limit for joint taxing districts, intercounty rural library districts, and the state is determined as follows:

(a) Joint taxing districts. The levy limit for joint taxing districts is determined by the assessor of the county in which the greatest amount of assessed value of the joint taxing district is located;

(b) Intercounty rural library districts. The levy limit for intercounty rural library districts is determined by the board of trustees of the intercounty rural library district in consultation with the assessors of the counties served by the district; and

(c) State levy. The levy limit for the state is determined by the department.

(3) Who sets levy rates? The assessor generally calculates the property tax levy rate necessary to collect the amount of taxes levied by or for each taxing district, within the limitations provided by law. However, the levy rate for joint taxing districts and intercounty rural library districts is calculated as follows:

(a) Joint taxing districts. The assessor of the county in which the greatest amount of assessed value of the joint taxing district is located calculates the levy rate; and

(b) Intercounty rural library districts. The board of trustees of an intercounty rural library district calculates the levy rate for the intercounty rural library district in consultation with the assessors of the counties served by the district and certifies that rate to the respective county legislative authorities.

AMENDATORY SECTION (Amending WSR 94-07-066, filed 3/14/94, effective 4/14/94)

WAC 458-19-020 (~~One hundred six percent~~) Levy limit—Method of calculation. (~~(RCW 84.55.010 and 84.55.092)~~)

(1) Introduction. This rule explains the general method used to calculate the levy limit for the state and all other taxing districts in accordance with RCW 84.55.010 and 84.55.092. Except for the state levy, the same method is generally used to calculate the amount of regular property taxes that can be levied by a taxing district in any year. This rule also describes what occurs when a taxing district makes a finding of substantial need in accordance with RCW 84.55.0101 to use a limit factor in excess of one hundred percent plus inflation. This rule does not attempt to include all special circumstances that may affect the applicable limit under chapter 84.55 RCW.

(2) Increase in tax revenues - Ordinance or resolution required. No taxing district, other than the state, may authorize an increase in property tax revenue, other than one resulting from an increase in assessed value of the district attributable to new construction, improvements to property, or any increase in state assessed property except by holding a public hearing and adopting an ordinance or resolution. The ordinance or resolution may cover a period of up to two years, but the ordinance or resolution must specifically state for each year the dollar increase and percentage change in the levy from the previous year. The dollar increase and percentage change should reflect everything included in the levy limit and should not reflect anything excluded under chapter 84.55 RCW (such as, but not limited to, a property tax refund paid under the provisions of chapter 84.68 or 84.69 RCW).

(a) A majority of the legislative authority of a taxing district must approve an ordinance or resolution authorizing an increase in the taxing district's levy limit as calculated in subsection (3) of this rule.

(b) Upon making a finding of substantial need to increase its levy by an amount greater than the rate of inflation, the legislative authority of a taxing district may adopt a second ordinance or resolution establishing a limit factor greater than one hundred percent plus inflation. But the substantial need limit factor can never exceed one hundred one percent.

(i) In districts with legislative authorities of four members or less, two-thirds of the members must approve an ordinance or resolution supporting a substantial need to increase the limit factor.

(ii) In districts with more than four members, a majority plus one must approve an ordinance or resolution supporting a substantial need to increase the limit factor.

(3) Calculation of levy limit for all taxing districts other than the state. The amount of regular property taxes that can be levied by a taxing district other than the state in any year (~~shall be~~) is limited to an amount that will not exceed the amount resulting from the following calculation, except as otherwise provided (~~in WAC 458-19-045 (Lid lift)~~) by statute:

(a) (~~Multiply~~) The highest amount that could have been lawfully levied by the taxing district (~~other than the state~~) in any year since 1985 for 1986 collection, multiplied by (~~one hundred six percent; add~~) the limit factor; plus

(b) A dollar component calculated by multiplying the increase in assessed value of the district from the previous year attributable to new construction, improvements to property, and any increase in the assessed value of state assessed property, by the actual regular property tax levy rate of that district for the preceding year, or the last year the taxing district levied taxes.

(~~(2)~~) (4) Calculation of levy limit for the state levy. The (~~one hundred six percent~~) levy limit for the state (~~shall be~~) is calculated in the same manner as for other taxing districts except that (~~one hundred six percent~~) the limit factor is multiplied by the highest amount that was lawfully levied by the state in the three most recent years in which such taxes were levied.

AMENDATORY SECTION (Amending WSR 94-07-066, filed 3/14/94, effective 4/14/94)

WAC 458-19-025 (~~One hundred six percent levy limit~~) Restoration of regular levy. (~~(RCW 84.55.015)~~)

(1) (~~When a taxing district elects to impose a regular property tax levy, after not having imposed such a levy in any one of the three most recent years~~) Introduction. This rule explains how a taxing district restores a regular property tax levy if it has not levied since 1985 and it elects to restore a regular property tax levy in accordance with RCW 84.55.015.

(2) Calculation of restored regular levy. If a taxing district has not levied since 1985 and it elects to restore a regular property tax levy, the first regular property tax payable as a result of the restored levy (~~shall not~~) cannot exceed the lesser of:

(a) The combination of the following:

(i) The amount (~~that could have been lawfully levied in 1973~~) last levied plus,

(ii) A dollar component calculated by (~~adding~~) multiplying the increase in assessed value of property in the district attributable to new construction(~~;~~) and improvements to property(~~, and any increase in the assessed value of state assessed property, starting with 1974~~) since the last levy through the current year(~~(-Multiply that total)~~) by the levy rate that is proposed to be restored. The levy rate that is proposed to be restored (~~shall be~~) is determined by dividing the total dollar amount (~~(of the levy that could have been made in 1973)~~) that was last levied by the district by the current year's assessed value after deducting the accumulated assessed

PROPOSED

value attributable to new construction(;) and improvements to property(, and any increase in the assessed value of state assessed property since 1974)) since the last levy; or

(b) The maximum amount which could be lawfully levied by that district in the year ((such a) the restored levy is proposed, subject to the ((statutory aggregate dollar rate limit, the constitutional limit, and the)) statutory dollar rate limit contained in the taxing district's authorizing statute, without considering the calculation used in subsection ((1)) (2)(a) of this (section)) rule.

((e)) (3) **Example.** Taxing district "A" has not levied a regular levy ((in any of the three most recent years. Taxing district "A" could have)) since 1985 when it levied \$10,000 ((in 1973)) based upon ((1973)) 1985 assessed values and all lawful limitations at that time. The total ((of)) increase((s)) since the 1985 assessment year in assessed value of property ((resulting from)) in the district as a result of new construction(;) and improvements to property(, and increase in the assessed value of state assessed property)) beginning in ((1974)) 1986 through the current assessment year is \$3,000,000. The assessed value of taxing district "A" for the current year is \$15,000,000. The calculation for (a) of this subsection is as follows:

Current year A.V. -	\$15,000,000
((Subtract)) Minus increases in new construction(, etc.) and improvements to property since ((1973)) 1985 -	<u>- 3,000,000</u> \$12,000,000
((Levy amount allowable)) Amount levied in ((1973)) 1985 -	\$10,000
Current year A.V. less increases in new construction and improvements to property -	<u>+ \$12,000,000</u>
Levy rate proposed to be restored -	.000833
Increases in new construction(, etc.) and improvements to property -	x <u>\$3,000,000</u>
Calculated dollar amount -	\$2,500
Allowable ((1973)) 1985 levy -	<u>+ 10,000</u>
Allowable levy for current year (under (a)) -	\$12,500

The amount calculated under (a) of this subsection must be compared to the amount determined under (b) of this subsection and the lesser of the two amounts is the maximum amount that can be levied ((under this section)).

((2)) (4) **Assessor to maintain taxing district records.** Records of value increases attributable to new construction(;) and improvements to property, and increases in the value of state assessed property ((shall)) are to be maintained each year by the county assessor for each taxing district whether or not the district imposes a regular property tax levy.

AMENDATORY SECTION (Amending WSR 94-07-066, filed 3/14/94, effective 4/14/94)

WAC 458-19-030 ((One hundred six percent)) Levy limit—Consolidation of districts. ((RCW 84.55.020))

(1) **Introduction.** This rule describes the method used to calculate the first levy for a taxing district created by the con-

solidation of similar taxing districts in accordance with RCW 84.55.020.

(2) **Calculation of the first levy of a consolidated taxing district.** The first regular property tax levy made by a taxing district, created by the consolidation of two or more similar taxing districts, ((shall not)) cannot exceed ((one hundred six percent of the following amount)):

(a) The sum of the product of the limit factor multiplied by the highest amount of regular property taxes ((that could have been)) lawfully levied by each of the component districts ((since 1985 for 1986 collection)) during the three most recent years in which taxes were levied; plus

(b) The sum of each of the amounts calculated by multiplying the increase in assessed value of property attributable to new construction(;) and improvements to property(, and increases in the assessed value of state assessed property)) in each of the component districts ((in)) since the preceding year by the regular property tax rate of each component district in the preceding year.

((2)) (3) **Example.** ((Following is an example of the calculation prescribed in subsections (1)(a) and (1)(b) of this section. Taxing district "A" and taxing district "B" consolidate, becoming one taxing district. The highest amount of regular property taxes that could have been lawfully levied by district "A" since 1985 for 1986 collection is \$100,000. The highest amount of regular property taxes that could have been lawfully levied by district "B" since 1985 for 1986 collection is \$150,000. The increase in assessed value due to new construction, improvements to property, and increase in assessed value of state assessed property in district "A" in the year prior to consolidation was \$600,000. The increase in assessed value due to new construction, improvements to property, and increase in assessed value of state assessed property in district "B" in the year prior to consolidation was \$900,000. The regular property tax rate for district "A" in the year prior to consolidation was \$.50 per \$1,000 of assessed value. The regular property tax rate for district "B" in the year prior to consolidation was \$.45 per \$1,000 of assessed value.)) Taxing district "A" and taxing district "B" consolidate, becoming one taxing district. The highest amount of regular property taxes lawfully levied by district "A" during the three most recent years is \$100,000. The highest amount of regular property taxes lawfully levied by district "B" during the three most recent years is \$150,000. The increase in assessed value due to new construction and improvements to property in district "A" since the year prior to consolidation was \$600,000. The increase in assessed value due to new construction and improvements to property in district "B" since the year prior to consolidation was \$900,000. The regular property tax rate for district "A" in the year prior to consolidation was \$.50 per \$1,000 of assessed value. The regular property tax rate for district "B" in the year prior to consolidation was \$.45 per \$1,000 of assessed value. The limit factor for this example is 101% because it is the lesser of one hundred one percent and one hundred percent plus the rate of inflation. Assume the maximum amount of regular property taxes that can be levied in the year of consolidation, for taxes payable the following year, by the new consolidated taxing district is calculated as follows:

PROPOSED

Highest regular levy

District "A" -	\$100,000
District "B" -	<u>150,000</u>
Total -	\$250,000 x ((1.06)) <u>1.01</u>
	= ((265,000))
	<u>\$252,500</u>

Increases in assessed value multiplied by levy rate:

District "A" -	\$600,000 x \$.50 ÷ \$1,000 = \$300
District "B" -	\$900,000 x \$.45 ÷ \$1,000 = <u>\$405</u>
	\$705

Maximum regular property taxes that can be levied in the year of consolidation, payable in the year following consolidation:

~~((265,000))~~ \$252,500 + \$705 = ~~((265,705))~~ \$253,205

AMENDATORY SECTION (Amending WSR 94-07-066, filed 3/14/94, effective 4/14/94)

WAC 458-19-035 ~~((One hundred six percent))~~ Levy limit—Annexation. ~~((RCW 84.55.030 and 84.55.110))~~

(1) Introduction. One taxing district may annex territory or another dissimilar taxing district from outside the annexing taxing district's boundary. This rule sets forth the method used to calculate the first regular property tax levy made after a taxing district has annexed territory or a dissimilar taxing district in accordance with RCW 84.55.030 and 84.55.110. This rule also explains what occurs when the department of natural resources (DNR) discontinues forest fire patrol assessments on parcels of forest land.

(2) Increase in territory due to annexation. The first regular property tax levy of a taxing district after ~~((annexation by that district or other))~~ it annexes territory or a dissimilar taxing district ~~((shall not))~~ cannot exceed the amount calculated as follows:

(a) Multiply the highest amount of regular property taxes that could have been lawfully levied since 1985 for 1986 collection, of the annexing district as though no annexation had occurred, by ~~((one hundred six percent-))~~ the limit factor as defined in RCW 84.55.005 and WAC 458-19-005;

(b) Multiply the increase in assessed value in the annexing district since the preceding year attributable to new construction, improvements to property, and increase in assessed value of state assessed property by the regular property tax levy rate of the annexing district for the preceding year~~((:));~~ and

(c) Multiply the current year assessed value of the annexed territory or district by the levy rate that would have been used for the current year by the annexing district had there been no annexation.

(d) ~~((Add the amounts calculated in subsections (1)(b) and (1)(c) of this section to the amount determined in subsection (1)(a) of this section.~~

~~((2))~~ Add together the result of each of the calculations set forth in subsection (2)(a), (b), and (c) of this rule to determine the maximum amount of the first regular levy of a taxing district after annexation.

(3) Example. Following is an example of the calculations prescribed in subsection ~~((1))~~ (2) of this ~~((section))~~ rule. Taxing district "A" annexes a portion of taxing district "B" that takes effect before March 1st in ~~((1993))~~ 2002. The highest amount of regular property taxes that could have been levied by district "A" since 1985 for 1986 collection is \$100,000. The increase in assessed value from ~~((1992))~~ 2001 to ~~((1993))~~ 2002 in district "A" due to new construction, improvements to property, and increase in the value of state assessed property is \$700,000. The levy rate for district "A" for ~~((1992))~~ 2001 was \$.50 per \$1,000 of assessed value. The ~~((1993))~~ 2002 levy rate for district "A", had there been no annexation, would have been \$.48 per \$1,000 of assessed value. The ~~((1993))~~ 2002 assessed value of the portion of taxing district "B" that was annexed by taxing district "A" is \$5,000,000, which includes the value of new construction and improvements to property. Assume the levy limit for this example is 101% because it is the lesser of one hundred one percent and one hundred percent plus the rate of inflation. The first regular levy by taxing district "A" after annexation ~~((shall not))~~ cannot exceed the amount calculated as follows ~~((for purposes of this example, "new construction" includes improvements to property and increase in the value of state assessed property))~~:

District "A" highest levy since 1985 -	\$100,000
	x ((1.06))
	<u>1.01</u>
	((106,000))
	\$101,000
A.V. of new construction* in district "A" -	\$700,000
District "A" levy rate for ((1992)) 2001 -	x <u>.50</u>
	\$350,000
Divide by \$1,000 -	÷ <u>1,000</u>
Levy amount for new construction -	\$350
((1993)) 2002 A.V. of annexed portion of district "B" -	\$5,000,000
District "A" levy rate that would have been used in ((1993)) 2002, absent annexation -	x <u>.48</u>
	\$2,400,000
	÷ <u>1,000</u>
Divide by \$1,000 -	
Levy amount for annexed part of district "B" -	\$2,400
	((106,000))
	<u>\$101,000</u>
	((2,400)) <u>350</u>
Maximum levy amount for district "A" after annexation -	+ ((350))
	<u>2,400</u>
	((108,750))
	<u>\$103,750</u>

~~((3))~~* For purposes of this example, "new construction" includes improvements to property and increases in the value of state assessed property.

(4) Loss of territory due to annexation. When a taxing district loses a portion of its territory as a result of annexation to another district, the ~~((calculation of the one hundred six percent))~~ levy limit for the taxing district that loses part of its territory is calculated by multiplying the highest amount that could have been lawfully levied by that taxing district since 1985 for 1986 collection by ~~((one hundred six percent))~~ the limit factor as defined in RCW 84.55.005 and WAC 458-19-005. However, only the increase in assessed value from the preceding year, attributable to new construction, improvements to property, and increase in assessed value of state assessed property that is actually situated in the remaining territory of the taxing district is added to the amount thus determined, to calculate the ~~((one hundred six percent))~~ levy limit. In no case, absent voter approval of an excess levy, can the levy rate ((shall in no case)) exceed the statutory dollar rate limit for that class of taxing district.

(5) Forest fire patrol protection assessments discontinued by DNR - Effect. If an owner of forest land within a forest protection zone neglects or fails to provide adequate fire protection as required by RCW 76.04.600, DNR will provide this protection and impose an annual assessment on each parcel of forest land in accordance with RCW 76.04.610. When DNR discontinues the forest fire patrol assessment by dissolving the forest protection assessment areas and an existing fire district assumes protection services and property tax levying authority for this unimproved land within its existing boundaries, the assessed value of the fire district will increase and effectively be an annexation for property tax purposes. In order to be included in the assessed value of the fire district, all details of the dissolution and annexation must be completed and the county assessor's office must receive formal notice from the fire district and DNR prior to March 1st of the assessment year. This notice must specify the forest fire patrol assessment areas being dissolved, the fire district(s) assuming the levying and fire protection responsibilities, and the forest land impacted by the change.

AMENDATORY SECTION (Amending WSR 94-07-066, filed 3/14/94, effective 4/14/94)

WAC 458-19-040 ~~((One hundred six percent))~~ **Levy limit—Newly formed taxing district.** ~~((RCW 84.55.035))~~

The ~~one hundred six percent~~ levy limit does not apply ~~to~~ **(1) Introduction.** This rule explains how the levy limit is determined for any taxing district that is created by means other than by consolidation or annexation.

(2) RCW 84.55.035 specifically states that the first regular levy made by a newly formed taxing district created other than by consolidation or annexation is not subject to the levy limit set forth in chapter 84.55 RCW. The newly formed taxing district may levy up to the statutory dollar rate limit for that class of district, or up to the amount approved by the voters when the district was formed, subject to the statutory aggregate dollar rate limit and the constitutional one percent limit. The second regular levy by the district and all subsequent regular levies are subject to the ~~((one hundred six percent))~~ levy limit or, if applicable, the limit described in WAC

458-19-025 regarding the restoration of a regular property tax levy.

AMENDATORY SECTION (Amending WSR 94-07-066, filed 3/14/94, effective 4/14/94)

WAC 458-19-045 ~~((One hundred six percent))~~ **Levy limit—Removal of limit (lid lift).** ~~((RCW 84.55.050))~~

(1) Introduction. The ~~((one hundred six percent))~~ levy limit may be exceeded when authorized by a majority of the voters voting on a proposition to "lift the lid" of the ~~((one hundred six percent))~~ levy limit in accordance with RCW 84.55.050. This "lid lift" is intended to allow the ~~((one hundred six percent))~~ levy limit to be exceeded for the levy made immediately following the vote on the proposition. The purpose of the lid lift is to allow additional property taxes to be collected at a time when the ((statutory aggregate dollar rate limit, the statutory dollar rate limit, and the constitutional limit are not the limitations restricting the raising of additional taxes; the lid lift vote is most effective at a time when the one hundred six percent limit is the limitation that is currently restricting the raising of additional property taxes)) levy limit in chapter 84.55 RCW is the effective legal constraint to the collection of additional property taxes. This rule explains the procedures for implementing a lid lift ballot proposition when a taxing district wants to ask its voters for the authority to exceed the levy limit.

(2) Ballot proposition election—when held. The election to approve a lid lift proposition must be held within the taxing district and may be held at the time of a general election, or at a special election called by the governing body of the taxing district for that purpose. ~~((A simple majority vote is required for approval.))~~ The election must be held not more than twelve months prior to the date the proposed levy is to be made. For purposes of this rule, a levy is "made" when the taxing district's budget is certified. The ballot proposition is prepared by the county prosecutor or city attorney, as applicable, in accordance with RCW 29.27.060. A simple majority vote is required for approval of a lid lift.

(3) Ballot contents. A ballot proposition for a lid lift contains the following:

(a) The ~~((ballot of the proposition shall state the))~~ dollar rate of the proposed levy so that it reflects the total dollar rate for the taxing district, which ((rate)) may be less than the maximum statutory dollar rate ((limit)) allowed for the particular class of taxing district((-)); and

(b) ~~((The ballot may contain the following conditions or a combination of them and shall clearly state the conditions that apply))~~ Any of the following limitations that are applicable:

(i) The ~~((ballot may limit the))~~ number of years the increased levy ~~((will continue))~~ is to be made by the taxing district; however, if one of the purposes of the increased levy is to make redemption payments on bonds of the taxing district, the duration of the increased levy ((shall not)) cannot exceed nine years; and/or

(ii) The ~~((ballot may limit the))~~ purpose or purposes of the increased levy.

~~((e)) The ballot of the proposition shall be prepared by the county prosecutor or city attorney, as applicable, in accordance with the provisions of RCW 29.27.060.~~

(4) **Permanent lid lift.** ~~((a))~~ A permanent lid lift ~~((is one where))~~ occurs when the ballot ~~((of the))~~ proposition contains none of the ~~((conditions))~~ limitations stated in subsection (3)(b) of this ~~((section))~~ rule. Approval of a permanent lid lift permanently increases the base used to calculate the levy limit.

~~((b))~~ (a) The first regular levy of a taxing district made after voter approval of a permanent lid lift proposition ~~((shall be))~~ is calculated on the basis of the dollar rate stated in the ballot proposition, but that dollar rate ~~((shall be))~~ is subject to the constitutional one percent limit and the statutory aggregate dollar rate limit and any applicable prorationing.

~~((e))~~ (b) The ~~((one hundred six percent))~~ levy limit on regular levies of a taxing district made subsequent to the first regular levy made after voter approval of a permanent lid lift proposition ~~((shall be))~~ is calculated ~~((as stated in WAC 458-19-020; however, instead of))~~ by multiplying the highest amount that could have been lawfully levied since 1985 ~~((by one hundred six percent))~~, including the dollar amount of the regular levy calculated in accordance with ~~((b))~~ (a) of this subsection ~~((is multiplied))~~ by ~~((one hundred six percent))~~ the limit factor.

(5) **Temporary lid lift.** ~~((a))~~ A temporary lid lift ~~((is one where))~~ occurs when the ballot ~~((of the))~~ proposition contains a time limit ~~((on))~~ for the increased levy or contains a limited purpose or purposes for the increased levy, or both.

~~((b))~~ (a) The first regular levy of a taxing district made after voter approval of a temporary lid lift proposition ~~((shall be))~~ is calculated on the basis of the dollar rate stated in the ballot proposition, but that dollar rate ~~((shall be))~~ is subject to the constitutional one percent limit and the statutory aggregate dollar rate limit and any applicable prorationing.

~~((e))~~ (b) The ~~((one hundred six percent))~~ levy limit on regular levies of a taxing district made subsequent to the first regular levy made after voter approval of a temporary lid lift proposition ~~((shall be))~~ is calculated ~~((as stated in WAC 458-19-020; however, instead of))~~ by multiplying ~~((one hundred six percent by))~~ the highest amount that could have been lawfully levied since 1985, including the dollar amount of the regular levy calculated in accordance with ~~((b))~~ (a) of this subsection ~~((is multiplied))~~ by ~~((one hundred six percent))~~ the limit factor.

~~((d))~~ (c) After expiration of the time limit authorized or satisfaction of the limited purpose for which the lid lift was authorized, whichever comes first, the levy limit as defined in RCW 84.55.005 on the taxing district's subsequent regular levies ~~((shall be))~~ is calculated ~~((using the maximum amount allowed under the one hundred six percent limit during the years the levies were made under the ballot proposition;))~~ as if ~~((there had been no))~~ the lid lift proposition had not been approved.

AMENDATORY SECTION (Amending WSR 94-07-066, filed 3/14/94, effective 4/14/94)

WAC 458-19-050 Port district levies. (1) **Introduction.** This rule describes the various port district levies and the limitations to which they are subject. Port district levies are not limited by the constitutional one percent limit nor by the statutory aggregate dollar rate limit. As set forth in RCW 84.04.140, all port district levies are regular levies ~~((by statutory definition (RCW 84.04.140;)))~~ regardless of whether they are voted levies.

(2) **Levy for general port purposes.** Port districts may annually levy taxes for general port purposes, including the establishment of a capital improvement fund for future capital improvements. This levy ~~((shall not))~~ cannot exceed forty-five cents per thousand dollars of assessed value of the port district. This levy may be made without an authorizing vote of the voters of the district.

(3) **Levy for bond repayment.** Port districts may levy taxes for the purpose of ~~((payment of))~~ paying the principal and interest on any general bonded indebtedness of the port district. Even though this levy is not subject to any dollar rate limitation, the limitations on the amount of indebtedness that a port district may incur by contract or borrowing ~~((;))~~ and the ~~((one hundred six percent))~~ levy limit do apply.

(4) **Levy for dredging, canal construction, or land leveling or filling purposes.** Port districts may annually levy taxes for dredging, canal construction, or land leveling or filling purposes, and the proceeds of any such levy must be used exclusively for ~~((such))~~ these purposes. This levy ~~((shall not))~~ cannot exceed forty-five cents per thousand dollars of assessed value of the port district. This levy must first be authorized by a ~~((vote of a))~~ majority of the ~~((electors))~~ voters of the district voting on whether to make such a levy, submitted at an election held under ~~((the provisions of))~~ RCW 29.13.020.

(5) **Levy for industrial development district purposes.** Port districts that have adopted a comprehensive scheme of harbor improvements and industrial development may annually levy taxes to be used exclusively for purposes of industrial development districts as described in chapter 53.25 RCW ~~((; however;))~~. Any excess revenue collected but not required to complete projects under chapter 53.25 RCW ~~((shall))~~ must be used solely ~~((for the retirement of))~~ to retire the general obligation bonded indebtedness of the district. This levy ~~((shall not))~~ cannot exceed forty-five cents per thousand dollars of assessed value of the port district. This levy need not be authorized by a vote of the people of the district, except as provided in (b) of this subsection.

(a) **Levy for limited time period.** This levy is limited to a period of ~~((twelve))~~ six years ~~((only))~~, and a second six years if the procedures in (b) of this subsection are followed. A third six-year period is authorized for a port district located in a county bordering the Pacific Ocean that has adopted a comprehensive scheme of harbor improvements and industrial developments when approved by a simple majority of the voters in the port district.

(b) **Notice to be given if levy to last more than six years.** If this levy is intended to extend beyond the first six

years ~~((authorized))~~ these levies were imposed, the port commission ~~((shall))~~ must publish notice of this intention, in one or more newspapers of general circulation in the district, after January 1 and not later than June 1 of the year in which the seventh annual levy is to be made. If, within ninety days of the date of publication of this notice, a petition by the required number of registered voters in the port district in accordance with RCW 53.36.100 is filed ~~((within ninety days of the date of publication of the notice,))~~ with the county auditor and certified in the manner prescribed in RCW 29.79.200, the proposition to make these levies in the seventh through twelfth year period must be submitted to the voters of the port district at a special election called for this purpose no later than the date on which a primary election would be held under RCW 29.13.070. Levies may be made during the seventh through twelfth years ~~((may))~~ only ~~((be made))~~ if approved by a majority of the voters of the port district voting on the proposition.

(6) Calculation of the ~~((one hundred six percent))~~ levy limit for port districts.

(a) The levies described in subsections (2), (3), and (4) of this ~~((section))~~ rule are subject to the ~~((one hundred six percent))~~ levy limit. For purposes of ~~((the calculation of that))~~ calculating the levy limit, the dollar amount of those levies are combined and the ~~((one hundred six percent))~~ levy limit is calculated as provided in WAC 458-19-020.

(b) ~~((For purposes of the one hundred six percent limit, the levy described in subsection (5) shall be treated in the same manner as though it were a separate regular property tax levy made by or for a separate taxing district. The first levy of a port district under subsection (5) shall not be subject to the one hundred six percent limit.~~

(7) Limit of indebtedness.

~~(a) Without voter approval. Port districts, other than those described in (a)(i) and (a)(ii) of this subsection, may contract indebtedness or borrow money in an amount not exceeding one fourth of one percent of the actual value of the taxable property in the district plus the timber assessed value for the district, as "timber assessed value" is defined in RCW 84.33.035(8), without voter approval.~~

~~(i) Port districts having less than eight hundred million dollars in value of taxable property may not incur indebtedness, combined with existing indebtedness not authorized by the voters, in excess of three eighths of one percent of the value of the taxable property of the district.~~

~~(ii) Port districts having less than two hundred million dollars in value of taxable property and operating a municipal airport, may contract indebtedness or borrow money not exceeding an additional one eighth of one percent of the value of the taxable property of the district above that authorized in (a) and (a)(i) of this subsection, without authorization by the voters.~~

(b) With voter approval.

~~(i) Port districts may contract indebtedness or borrow money for district purposes in an amount not to exceed three fourths of one percent of the taxable value in the district, with the assent of three fifths of the voters voting at a general or special election called for that purpose.~~

~~(ii) Port districts described in (a)(ii) of this subsection may contract indebtedness or borrow money for airport capital improvement purposes up to an additional three eighths of one percent of the taxable value in the district with the assent of three fifths of the voters voting at a general or special election called for that purpose, provided the total indebtedness of the district shall not exceed one and one fourth percent of the taxable property in the district.)~~ The levy for industrial development district purposes described in subsection (5) will be treated as though it were a separate regular property tax levy made by or for a separate taxing district. The first such levy by a port district is not subject to the levy limit.

AMENDATORY SECTION (Amending WSR 94-07-066, filed 3/14/94, effective 4/14/94)

WAC 458-19-055 ~~((One hundred six percent))~~ Levy limit—Proration of earmarked funds. (1) Introduction. ~~((Certain levies may be "earmarked" for specific purposes even though they are part of, or in addition to, the general regular levy made by a taxing district. This rule describes when and how the levy rate of the earmarked levies may be reduced as a result of the operation of the one hundred six percent levy limit.~~

~~(2) Firemen's pension fund. The legislative authority of a city or town having a regularly organized full time, paid, fire department employing firefighters may reduce the levy rate of a levy made under the authority of RCW 41.16.060 allocated to the firemen's pension fund. The levy rate of this levy allocated to this purpose may be reduced in the same proportion as the regular property tax levy rate of such a city or town is reduced by the one hundred six percent limit.~~

~~(3) Mental health services levy. Under the authority of RCW 71.20.110, the county legislative authority shall annually levy a tax at a rate of two and one half cents per thousand dollars of assessed value of the property in the county for the purposes of providing funds for the coordination of community mental retardation and other developmental disability services and to provide community mental retardation, other developmental disability, or mental health services. The levy rate of this levy allocated to these purposes may be reduced in the same proportion as the regular property tax levy rate of the county is reduced by the one hundred six percent limit.~~

~~(4) Veteran's assistance fund. Under the authority of RCW 73.08.080, the county legislative authority shall annually levy a tax at a rate not less than one and one eighth cents per thousand dollars of assessed value of the taxable property of the county, unless a lesser amount is levied as provided in that statute, and not to exceed twenty seven cents per thousand dollars of assessed value for the purpose of providing revenue for a veteran's assistance fund. The levy rate of this levy allocated to this purpose may be reduced in the same proportion as the regular property tax levy of the county is reduced by the one hundred six percent limit.~~

(5)) Earmarked levies to be reduced only when regular levy affected. ~~((The reduction of these earmarked levies, as described in this section, shall only be made when the general regular levy of the taxing district involved is affected by the one hundred six percent levy limit.~~

~~(6) Affect of voluntary reduction below one hundred six percent levy limit by taxing district. If a taxing district levying a tax for an earmarked fund voluntarily reduces its regular levy below the maximum levy allowed by the one hundred six percent limit, there shall be no resulting reduction in the levy rate for earmarked funds.)~~ Certain taxing districts are authorized to make "earmarked" levies for specific purposes. An "earmarked levy" is not a taxing district in and of itself; the levy is included within, or is in addition to, the general regular levy made by a taxing district. Because these levies are generally placed within a taxing district treasury as a separately identified fund, they are often referred to as "earmarked funds." A taxing district is either directed by statute to levy or is authorized by statute to levy, but is not required to levy, for these earmarked funds; that is, some of the underlying statutes are mandatory while others are permissive in nature. This rule only discusses those taxing districts with the statutory authority to reduce their earmarked levies when they are up against their general levy limit. These taxing districts have specific authorization to reduce the earmarked levy as a result of the levy limit under chapter 84.55 RCW.

(2) Earmarked funds to be reduced only when regular levy affected. Cities having a regularly organized full-time, paid, fire department may levy an additional amount for a firemen's pension fund under RCW 41.16.060. Counties are required to annually levy amounts for the developmental disabilities or mental health services fund under RCW 71.20.110 and for veteran's assistance fund under RCW 73.08.080. These earmarked levies may be reduced only if the taxing district's general regular levy is restricted by the levy limit. If prorationing is required, the amount to be levied for the earmarked fund may be reduced in proportion with the regular levy of the taxing district. In other words, if the taxing district is unable to levy its total budgeted amount because it is restricted by the levy limit under chapter 84.55 RCW, the amount levied for the earmarked fund may be reduced proportionately to the taxing district's general regular levy.

AMENDATORY SECTION (Amending WSR 94-07-066, filed 3/14/94, effective 4/14/94)

WAC 458-19-060 Emergency medical service levy. ~~((RCW 84.52.069))~~

~~(1) Introduction. ((The emergency medical service (EMS) levy is a regular levy approved by a super majority of registered voters at a general or special election held in accordance with the provisions of RCW 84.52.069. The ballot proposition shall conform to the provisions of RCW 29.30.111. Only a county, emergency medical service district, city, town, public hospital district, or fire protection district is authorized to impose a regular levy for emergency medical care or emergency medical services. The EMS levy, in each year for six consecutive years, shall not exceed fifty cents per thousand dollars of assessed value of the property of the taxing district.~~

~~(2) County wide EMS levy. A county wide EMS levy shall not be placed on the ballot without first obtaining the approval of the legislative authority of any city within the~~

~~county having a population exceeding fifty thousand. No other taxing district within the county may hold an election on a proposed EMS levy at the same time as the election on a proposed county wide EMS levy. To the extent feasible, emergency medical care and services shall be provided throughout the county whenever the county levies an EMS levy. In addition, if a county levies an EMS levy, the following conditions apply:~~

~~(a) A taxing district within the county, authorized to levy an EMS levy may do so, but only if the taxing district's EMS levy rate does not exceed the difference between the county's EMS levy rate and fifty cents per thousand dollars of assessed value of the property of the taxing district; and~~

~~(b) When a taxing district within the county levies an EMS levy and the voters of the county subsequently approve an EMS levy, then the taxing district shall reduce its EMS levy rate to the extent the combined EMS levy rate of the county and the taxing district exceeds fifty cents per thousand dollars of assessed value in the taxing district; and~~

~~(c) An EMS levy of a taxing district within the county, authorized by the voters subsequent to an EMS levy by a county, shall expire concurrently with the county EMS levy.~~

~~(3) EMS levy of taxing district other than county. If a taxing district within the county, authorized to levy an EMS levy has done so, no other taxing district, other than the county, may concurrently levy an EMS levy within the boundaries of the taxing district.~~

~~(4) EMS levy—constitutional one percent limit. In the event that a reduction of the EMS levy rate is required under the constitutional one percent limit, it shall be reduced in accordance with the procedure specified in WAC 458-19-075.~~

~~(5) EMS levy—one hundred six percent limit. The one hundred six percent levy limit does not apply to the first EMS levy following authorization by the voters, but does apply to each EMS levy made in the next five years or until the EMS levy is reauthorized by the voters. The EMS levy shall be calculated separately from a taxing district's regular levy for purposes of calculating the one hundred six percent limit.)~~ This rule explains the criteria contained in RCW 84.52.069 relative to a taxing district imposing a limited or permanent regular levy for emergency medical care or emergency medical services. It describes the permitted duration of this levy, the ballot proposition that must be presented to and approved by the voters, the maximum rate for this levy, and the applicable limits.

(2) Purpose - voter approval required - who may levy. An emergency medical service (EMS) levy is a regular voter approved levy. Any taxes collected as a result of this levy can only be used to provide emergency medical care or emergency medical services, including related personnel costs, training for such personnel and related equipment, supplies, vehicles, and structures needed to provide this care or service. An EMS levy must be approved by a super majority of registered voters at a general or special election. Only a county, emergency medical service district, city, town, public hospital district, urban emergency medical service district, or fire protection district is authorized to impose an EMS levy.

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(3) Duration - maximum rate. An EMS levy is imposed each year for six consecutive years, each year for ten consecutive years, or permanently. If approved, a taxing district can impose a regular property tax levy in an amount that cannot exceed fifty cents per thousand dollars of assessed value of the property of the taxing district.

(4) Ballot propositions. All ballot propositions authorizing an EMS levy must conform to the requirements of RCW 29.30.111. A taxing district cannot submit to the voters at the same election multiple propositions to impose a levy under RCW 84.52.069. If an approved ballot proposition did not impose the maximum allowable levy rate (fifty cents) for an EMS levy, any future proposition to increase the rate up to the maximum allowable must be specifically authorized by voters at a general or special election. The ballot proposition authorizing a taxing district to impose:

(a) An EMS levy for a limited duration must state the name of the taxing district, the maximum rate per thousand dollars of assessed value to be imposed, and the maximum number of years the levy is to be allowed; or

(b) A permanent EMS levy must state the name of the taxing district and the maximum rate per thousand dollars of assessed value to be imposed. A taxing district that seeks to impose a permanent levy must also provide for a referendum procedure to apply to the ordinance or resolution imposing the tax. The detailed specifics of this procedure are set forth in RCW 84.52.069(4).

(5) County-wide EMS levy. A county-wide EMS levy cannot be placed on the ballot without first obtaining the approval of the legislative authority of any city within the county having a population exceeding fifty thousand. No other taxing district within the county may hold an election on a proposed EMS levy at the same time as the election on a proposed county-wide EMS levy. To the extent feasible, emergency medical care and services must be provided throughout the county whenever the county levies an EMS levy. In addition, if a county levies an EMS levy, the following conditions apply:

(a) Any other taxing district within the county, authorized to levy an EMS levy may do so, but only if the taxing district's EMS levy rate does not exceed the difference between the county's EMS levy rate and fifty cents per thousand dollars of assessed value of the property of the taxing district; and

(b) When a taxing district within the county levies an EMS levy and the voters of the county subsequently approve a county-wide EMS levy, the taxing district must then reduce its EMS levy rate so that the combined EMS levy rate of the county and the taxing district does not exceed fifty cents per thousand dollars of assessed value in the taxing district; and

(c) An EMS levy of limited duration of a taxing district within the county, authorized by the voters subsequent to a county-wide EMS levy of limited duration, will expire concurrently with the county EMS levy.

(6) EMS levy of taxing district other than county. Once a taxing district that has the authority to levy an EMS levy has done so within the county, only the county may concurrently levy an EMS levy within the boundaries of that taxing district; all other taxing districts are prohibited from levy-

ing an EMS levy within that taxing district's boundaries while it collects an EMS levy.

(7) Constitutional one percent limit is applicable. An EMS levy is subject to the constitutional one percent limit for regular property taxes. If a reduction of the rate of an EMS levy is required because this limit is exceeded, it is to be reduced in the manner set forth in RCW 84.52.010(1) and WAC 458-19-075.

(8) Statutory aggregate dollar rate limit is not applicable. An EMS levy is not subject to the statutory aggregate dollar rate limit of five dollars and ninety cents per thousand dollars of assessed value (see RCW 84.52.043).

(9) Applicability of limit factor to EMS levy. The first year an EMS levy is made following voter approval, the levy limit set forth in RCW 84.55.010 does not apply. However, after the first year any EMS levy made is subject to this limit. In other words, beginning the second year this levy is made it cannot exceed the limit factor multiplied by the highest amount of regular property taxes that could have lawfully been lawfully levied since the voters last approved such a levy plus an additional dollar amount calculated by multiplying the increase in assessed value in that district resulting from new construction, improvements to property, and any increase in the assessed value of state-assessed property by the regular property tax rate for the district in the preceding year. The EMS levy is calculated separately from any other levies made by the taxing district for purposes of calculating the levy limit.

AMENDATORY SECTION (Amending WSR 94-07-066, filed 3/14/94, effective 4/14/94)

WAC 458-19-065 ((One hundred six percent)) Levy limit—Protection of future levy capacity. (1) Introduction. This rule explains what occurs when a taxing district levies taxes in an amount less than the maximum allowed under the levy limit for any year and how future levies of the district will be calculated.

(2) Use of maximum lawful levy amount. In any year when a taxing district other than the state levies taxes in an amount less than the maximum amount allowed by the ((one hundred six percent)) levy limit, whether voluntarily or as a result of the operation of the statutory aggregate dollar rate limit or constitutional one percent limit reducing or eliminating the taxing district's levy rate, the ((one hundred six percent)) levy limit for succeeding years after 1985 will be calculated as though the maximum lawful levy amount allowed by the ((one hundred six percent)) levy limit or the taxing district's statutory dollar rate limit had been levied.

((2)) (3) Examples.
((a)-(c)) These examples do not include any amounts for new construction, improvements to property, or increases in the value of state assessed property. ((3))

(a) In ((1993)) 2001, the highest amount of regular property taxes that could have been lawfully levied by taxing district "A" as restricted by the ((one hundred six percent)) levy limit was \$100,000. But in ((1993)) 2001 taxing district "A" is otherwise limited by the statutory aggregate dollar rate limit to a maximum levy of \$95,000. The ((one hundred six

percent)) levy limit for the ((1994)) 2002 levy will be calculated on the basis of what could have been the highest levy amount ((for 1994)) since 1985, that is \$100,000 ((x 1.06 = \$106,000; not \$95,000 x 1.06 = \$100,700)) multiplied by the limit factor. The amount actually levied in ((1993)) 2001 is not controlling.

(b) ((In this same)) Using the same basic facts from the previous example, if the levy amount of district "A" had been limited by the statutory dollar rate limit in ((1993)) 2001 to \$95,000, and \$95,000 was the highest amount of regular property taxes that could have been lawfully levied since 1985, then the ((one hundred six percent)) levy limit for ((1994 would)) 2002 will be calculated on the basis of \$95,000, that is \$95,000 ((x 1.06 = \$100,700)) multiplied by the limit factor.

AMENDATORY SECTION (Amending WSR 94-07-066, filed 3/14/94, effective 4/14/94)

WAC 458-19-070 Procedure to adjust consolidated levy rate for taxing districts when ((limits)) the statutory aggregate dollar rate limit is exceeded. ((RCW 84.52.010 and 84.52.050)

(1) Introduction. The aggregate of all regular levy rates of junior taxing districts and senior taxing districts other than the state, shall not exceed five dollars and ninety cents per thousand dollars of assessed value. The aggregate of all regular tax levies by the state and all taxing districts other than port districts or public utility districts shall not exceed one percent of the true and fair value of any taxable property. When the county assessor finds that either of these limits has been exceeded, the assessor shall recompute the levy rate and establish a new consolidated levy rate in the following manner:

(2) Beginning with the five dollar and ninety cents per thousand dollars of assessed value consolidated levy rate limit, subtract the levy rates of the county and the county road district if the tax code area includes the unincorporated portion of the county, or the levy rates of the county and the city or town if the tax code area includes an incorporated area, as applicable. The levy rate reductions or eliminations shall be made on a pro rata basis within each tier and, as necessary, proceeding until the consolidated levy rate no longer exceeds either of the two limits, beginning with:

(a) The levy rates, if any, by a park and recreation district under RCW 36.69.145, a park and recreation service area under RCW 36.68.525, and a cultural arts, stadium and convention district under RCW 67.38.130;

(b) The levy rate, if any, by a flood control zone district under RCW 86.15.160;

(c) The levy rates, if any, by all other junior taxing districts, except fire protection districts, library districts, and the first fifty cents per thousand dollars of assessed valuation levies for metropolitan park districts and public hospital districts;

(d) The levy rates, if any, by fire protection districts as authorized by RCW 52.16.140 and 52.16.160; and

(e) The levy rates, if any, by fire protection districts as authorized by RCW 52.16.130, library districts, and the first

fifty cents per thousand dollars of assessed valuation levies for public hospital districts and metropolitan park districts.

(3) Example.

	ORIG LEVY RATE	PRO- RATE FACTOR	FINAL LEVY RATE
DISTRICT			
County	1.8000	none	1.8000
Road	2.2500	none	2.2500
Library	.5000	none	.5000
Fire	.7000	none	.7000
Hospital	.5000	none	.5000
Cemetery	.1125	.4138	.0466
Hospital	.2500	.4138	.1034
Totals	6.1125		5.9000

Beginning with the limit of \$5.90, subtract the original levy rates for the county and county road taxing districts, leaving \$1.85 available. Subtract \$1.70 for the library's \$.50, the fire district's \$.70 and the hospital's \$.50, leaving \$.15 available to be shared by the cemetery's \$.1125 and the hospital's \$.25. The proration factor is arrived at by dividing the amount available (\$.15) by the original amount (\$.3625) within that tier ((e) of subsection (2) of this section) resulting in a proration factor of .4138. This factor is then applied to the original levy rates in this tier of \$.1125 and \$.25 for the cemetery and hospital respectively.)

(1) Introduction. The aggregate of all regular levy rates of junior taxing districts and senior taxing districts, other than the state and other specifically identified districts, cannot exceed five dollars and ninety cents per thousand dollars of assessed value in accordance with RCW 84.52.043. When the county assessor finds that this limit has been exceeded, the assessor recomputes the levy rates and establishes a new consolidated levy rate in the manner set forth in RCW 84.52.010. This rule describes the prorationing process used to establish a consolidated levy rate when the assessor finds the statutory aggregate levy rate exceeds five dollars and ninety cents. If prorationing is required, the five dollar and ninety cents limit is reviewed before the constitutional one percent limit.

(2) Levies not subject to statutory aggregate dollar rate limit. The following levies are not subject to the statutory aggregate dollar rate limit of five dollars and ninety cents per thousand dollars of assessed value:

(a) Levies by the state;

(b) Levies by or for port or public utility districts;

(c) Excess property tax levies authorized in Article VII, section 2 of the state Constitution;

(d) Levies for acquiring conservation futures under RCW 84.34.230;

(e) Levies for emergency medical care or emergency medical services imposed under RCW 84.52.069;

(f) Levies to finance affordable housing for very low income housing under RCW 84.52.105; and

(g) The portion of metropolitan park district levies protected under RCW 84.52.120.

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(3) Prorating under consolidated levy rate limitation. RCW 84.52.010 sets forth the prorating order in which the regular levies of taxing districts will be reduced or eliminated by the assessor to comply with the statutory aggregate dollar rate limit of five dollars and ninety cents per thousand dollars of assessed value. The order contained in the statute lists which taxing districts are the first to either reduce or eliminate their levy rate. Taxing districts that are at the same level within the prorating order are grouped together in tiers. Reductions or eliminations in levy rates are made on a pro rata basis within each tier of taxing district levies until the consolidated levy rate no longer exceeds the statutory aggregate dollar rate limit of five dollars and ninety cents.

As opposed to the order contained in RCW 84.52.010, which lists the taxing districts that are the first to have their tax rates reduced or eliminated, this rule is written in reverse order; that is, it lists the taxing districts that must be first either fully or partially funded. If the statutory aggregate dollar rate is exceeded, then the levy rates for taxing districts within a particular tier must be reduced or eliminated on a pro rata basis. The proration factor, which is multiplied by each levy rate within the tier, is obtained by dividing the dollar rate remaining available to the taxing districts in that tier as a group by the sum of the levy rates originally certified by or for all of the taxing districts within the tier.

(a) Step one: Total the aggregate levy rates requested by all affected taxing districts in the tax code area. If this total is less than five dollars and ninety cents per thousand dollars of assessed value, no prorating is necessary. If this total is more than five dollars and ninety cents, the assessor must proceed through the following steps until the aggregate dollar rate is brought within that limit.

(b) Step two: Subtract from \$5.90 the levy rates of the county and the county road district if the tax code area includes an unincorporated portion of the county, or the levy rates of the county and the city or town if the tax code area includes an incorporated area, as applicable.

(c) Step three: Subtract from the remaining levy capacity the levy rates, if any, by fire protection districts under RCW 52.16.130, library districts, the first fifty cents per thousand dollars of assessed valuation for public hospital districts, and the first fifty cents per thousand dollars of assessed valuation for metropolitan park districts created before January 1, 2002.

(i) If the balance is zero, there is no remaining levy capacity for any other junior taxing district at a lower tier and their levies, if any, must be eliminated.

(ii) If the balance is less than zero, then the levies within this tier must be reduced on a pro rata basis until the balance is zero. After prorating, there is no remaining levy capacity for any other junior taxing districts at a lower tier and their levies, if any, must be eliminated.

(iii) If the remaining balance is greater than zero, this amount is available to the remaining junior taxing districts at a lower tier and the assessor should proceed on to step four.

(d) Step four: Subtract from the remaining levy capacity the levy rates, if any, by fire protection districts under RCW 52.16.140 and 52.16.160.

(i) If the balance is zero, there is no remaining levy capacity for any other junior taxing districts at a lower tier and their levies, if any, must be eliminated.

(ii) If the balance is less than zero, then the levies within this tier must be reduced on a pro rata basis until the balance is zero. After prorating, there is no remaining levy capacity for any other junior taxing district at a lower tier and their levies, if any, must be eliminated.

(iii) If the remaining balance is greater than zero, this amount is available to the remaining junior taxing districts at a lower tier and the assessor should proceed on to step five.

(e) Step five: Subtract from the remaining levy capacity the levy rate, if any, of the fifty cents per thousand dollars of assessed valuation for metropolitan park districts created on or after January 1, 2002.

(i) If the balance is zero, there is no remaining levy capacity for any other junior taxing districts at a lower tier and their levies, if any, must be eliminated.

(ii) If the balance is less than zero, then the levies within this tier must be reduced on a pro rata basis until the balance is zero. After prorating, there is no remaining levy capacity for any other junior taxing district at a lower tier and their levies, if any, must be eliminated.

(iii) If the remaining balance is greater than zero, this amount is available to the remaining junior taxing districts at a lower tier and the assessor should proceed on to step six.

(f) Step six: Subtract from the remaining levy capacity the twenty-five cent levy for metropolitan park districts if it is not protected under RCW 84.52.120, the twenty-five cent levy for public hospital districts under RCW 70.44.060, and the levy rates, if any, for all other junior taxing districts if those levies are not listed in steps three through five or seven or eight of subsection (3) of this rule.

(i) If the balance is zero, there is no remaining levy capacity for any other junior taxing districts at a lower tier and their levies, if any, must be eliminated.

(ii) If the balance is less than zero, then the levies within this tier must be reduced on a pro rata basis until the balance is zero. After prorating, there is no remaining levy capacity for any other junior taxing district at a lower tier and their levies, if any, must be eliminated.

(iii) If the remaining balance is greater than zero, this amount is available to the remaining junior taxing districts at a lower tier and the assessor should proceed on to step seven.

(g) Step seven: Subtract from the remaining levy capacity the levy rate, if any, by a flood control zone district under RCW 86.15.160.

(i) If the balance is zero, there is no remaining levy capacity for any other junior taxing districts at a lower tier and their levies, if any, must be eliminated.

(ii) If the balance is less than zero, then the levies within this tier must be reduced on a pro rata basis until the balance is zero. After prorating, there is no remaining levy capacity for any other junior taxing district at a lower tier and their levies, if any, must be eliminated.

(iii) If the remaining balance is greater than zero, this amount is available to the remaining junior taxing districts at a lower tier and the assessor should proceed on to step eight.

(h) Step eight: Subtract from the remaining levy capacity the levy rates, if any, of a park and recreation district

under RCW 36.69.145, a park and recreation service area under RCW 36.68.525, a cultural arts, stadium and convention district under RCW 67.38.130, and a city transportation

authority under chapter 248, Laws of 2002 on a pro rata basis until the remaining levy capacity equals zero.

(4) **Example.**

<u>DISTRICT</u>	<u>ORIGINAL LEVY RATE</u>	<u>PRORATION FACTOR</u>	<u>FINAL LEVY RATE</u>	<u>REMAINING LEVY CAPACITY</u>
<u>County Road</u>	<u>1.8000</u> <u>2.2500</u>	<u>NONE</u> <u>NONE</u>	<u>1.8000</u> <u>2.2500</u>	<u>1.850</u>
<u>Library</u>	<u>.5000</u>	<u>NONE</u>	<u>.5000</u>	
<u>Fire</u>	<u>.5000</u>	<u>NONE</u>	<u>.5000</u>	
<u>Hospital</u>	<u>.5000</u>	<u>NONE</u>	<u>.5000</u>	<u>.350</u>
<u>Fire</u>	<u>.2000</u>	<u>NONE</u>	<u>.2000</u>	<u>.150</u>
<u>Cemetery</u>	<u>.1125</u>	<u>.4138</u>	<u>.0466</u>	
<u>Hospital</u>	<u>.2500</u>	<u>.4138</u>	<u>.1034</u>	
<u>Totals</u>	<u>6.1125</u>		<u>5.90</u>	

1. Beginning with the limit of \$5.90, subtract the original certified levy rates for the county and county road taxing districts leaving \$1.85 available for the remaining districts.

2. Subtract the total of the levy rates for each district within the next tier: The library's \$.50, the fire district's \$.50 and the hospital's \$.50 = \$1.50, which leaves \$.35 available for the remaining districts.

3. Subtract the fire district's additional \$.20 levy rate, which leaves \$.15 available for the remaining districts.

4. The remaining \$.15 must be shared by the cemetery and the hospital districts within the next tier of levies. The cemetery district originally sought to levy \$.1125 and the hospital district sought to levy \$.25. The proration factor is arrived at by dividing the amount available (\$.15) by the original levy rates (\$.3625) requested within that tier resulting in a proration factor of .4138. And finally, the original levy rates in this tier of \$.1125 and \$.25 for the cemetery and hospital respectively are multiplied by the proration factor.

AMENDATORY SECTION (Amending WSR 94-07-066, filed 3/14/94, effective 4/14/94)

WAC 458-19-075 Constitutional one percent ((levy)) limit calculation. (1) **Introduction.** The total amount of all regular property tax levies that can be applied ((to)) against taxable property is limited to ((no more than)) one percent of the true and fair value of ((such)) the property in money. The one percent limit is stated in Article VII, section 2 of the state Constitution and the enabling statute, RCW 84.52.050. The constitutional one percent limit is based upon the amount of taxes actually levied on the true and fair value of ((such)) the property, not the dollar rate used in computing ((those)) property taxes. ((In order)) This rule explains how to determine if the constitutional one percent limit is being exceeded and the sequence in which levy rates will be reduced or eliminated in accordance with RCW 84.52.010 if the constitutional one percent limit is exceeded. The constitutional one percent calculation is made after the assessor ensures that the statutory aggregate dollar rate limit is not exceeded.

(2) **Preliminary calculations.** To determine ((whether)) if the constitutional one percent limit is being exceeded, the following calculations are made:

((2)) (a) First, add all the regular levy rates in the tax code area, including the state school levy at the local rate, any conservation futures levy imposed ((pursuant to)) under RCW 84.34.230, any emergency medical service levy imposed ((pursuant to)) under RCW 84.52.069, any metropolitan park district levy protected under RCW 84.52.120, and any affordable housing levy imposed ((pursuant to)) under RCW 84.52.105 to arrive at a combined levy rate for that tax code area. The levy rate for ((a)) any port or public utility district is not included in this computation as they are not subject to the constitutional one percent limit.

((3)) (b) Second, multiply the ((sum)) combined levy rate obtained in subsection (2)(a) of this ((section)) rule by the higher of the real or personal property ratio of the county for ((that levy)) the assessment year in which the levy is made to determine the effective ((one percent)) levy rate. If the ((sum of the)) effective regular levy rate(s) exceeds ten dollars per thousand dollars of assessed value, the individual levy rates ((shall)) must be reduced or eliminated until the ((sum)) effective levy rate is equal to ten dollars per thousand dollars of assessed value((, in the following sequence:

(a) The levy rates, if any, for conservation futures under RCW 84.34.230, for affordable housing under RCW 84.52.105, and any portion of a levy for emergency medical services under RCW 84.52.069 in excess of thirty cents shall be reduced on a pro rata basis or eliminated.

(b) The levy rates, if any, by a park and recreation district under RCW 36.69.145, a park and recreation service area under RCW 36.68.525, and a cultural arts, stadium and convention district under RCW 67.38.130 shall be reduced on a pro rata basis or eliminated.

(c) The levy rate, if any, by a flood control zone district under RCW 86.15.160 shall be reduced or eliminated.

(d) The levy rates, if any, by all other junior taxing districts, except fire protection districts, library districts, and the first fifty cents per thousand dollars of assessed valuation levies for metropolitan park districts and public hospital districts shall be reduced on a pro rata basis or eliminated.

(e) The levy rates, if any, by fire protection districts under RCW 52.16.140 and 52.16.160 shall be reduced on a pro rata basis or eliminated.

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(f) ~~The levy rates, if any, by fire protection districts under RCW 52.16.130, library districts under RCW 27.12.050 and [27.12.]150, and the first fifty cents per thousand dollars of assessed valuation levies for public hospital districts under RCW 70.44.060(6) and metropolitan park districts under RCW 35.61.210 shall be reduced or eliminated.~~

(g) ~~The remainder of the levy rate, if any, after the reduction pursuant to (a) of this subsection, for emergency medical services shall be reduced or eliminated.~~

(h) ~~The levy rates, if any, by the county, county road, and a city or town shall be reduced or eliminated.~~

(i) ~~The levy rate, if any, by the state, for the support of common schools shall be reduced).~~

(3) Prorating - constitutional one percent limit. RCW 84.52.010 sets forth the prorating order in which levy rates are to be reduced or eliminated when the constitutional one percent limit is exceeded. The order contained in this statute begins with the taxing districts that are the first to have their levy rates either reduced or eliminated. Taxing districts that are at the same level within the prorating order are grouped together in tiers. Levy rates are reduced or eliminated on a pro rata basis within each tier of taxing district levies until the combined levy rate no longer exceeds one percent of the true and fair value of property.

If the constitutional one percent limit is exceeded, the following levies are to be reduced or eliminated in the following order until the effective rate no longer exceeds ten dollars per thousand dollars of assessed value:

(a) The twenty-five cent levy for metropolitan park district protected under RCW 84.52.120.

(b) The levy rates for conservation futures under RCW 84.34.230, for affordable housing under RCW 84.52.105, and any portion of a levy for emergency medical services under RCW 84.52.069 in excess of thirty cents per thousand dollars of assessed value are reduced on a pro rata basis or eliminated.

(c) The levy for the first thirty cents per thousand dollars for emergency medical services under RCW 84.52.069.

(d) The levy rates for a park and recreation district under RCW 36.69.145, a park and recreation service area under RCW 36.68.525, a cultural arts, stadium and convention district under RCW 67.38.130, and a city transportation authority under section 11, chapter 248, Laws of 2002, are reduced on a pro rata basis or eliminated.

(e) The levy rate for a flood control zone district under RCW 86.15.160.

(f) The levy rates for all other junior taxing districts, except fire protection districts, library districts, and the first fifty cents per thousand dollars of assessed valuation for metropolitan park districts, and the first fifty cents per thousand dollars of assessed valuation for public hospital districts are reduced on a pro rata basis or eliminated.

(g) The levy rate of fifty cents per thousand dollars of assessed valuation for metropolitan park districts created on or after January 1, 2002.

(h) The levy rates for fire protection districts under RCW 52.16.140 and 52.16.160 are reduced on a pro rata basis or eliminated.

(i) The levy rates for fire protection districts under RCW 52.16.130, library districts under RCW 27.12.050 and 27.12.150, the first fifty cents per thousand dollars of assessed valuation for public hospital districts under RCW 70.44.060(6), and the first fifty cents per thousand dollars of assessed valuation for metropolitan park districts under RCW 35.61.210 created before January 1, 2002, are reduced on a pro rata basis or eliminated.

(j) The levy rates for the county, county road, and a city or town are reduced on a pro rata basis or eliminated.

(k) The levy rate for the state for the support of common schools.

AMENDATORY SECTION (Amending WSR 94-07-066, filed 3/14/94, effective 4/14/94)

WAC 458-19-080 City annexed by fire protection and/or library districts. ~~((RCW 52.04.081 and 27.12.390))~~

(1) **Introduction.** When a city or town is annexed to a fire protection and/or a library district, the city or town is ~~((authorized))~~ entitled under RCW 52.04.081 and 27.12.390 to levy up to three dollars and sixty cents per thousand dollars of assessed value less the regular levy made by the fire protection and/or library district. However, the limitations upon regular property taxes imposed by chapter 84.55 RCW are still applicable. This rule explains how the first levy following annexation is calculated, how the levy limit is calculated, and the order of any prorating that may be required.

(2) The assessor ~~((shall))~~ will calculate the first levy following annexation as follows:

(a) Calculate the levy and rate for the fire protection and/or library district, including the assessed value of the annexed city or town; and

(b) Subtract the fire protection and/or library district levy rate from the statutory rate (\$3.60 per \$1,000 A.V.) of the city or town. The resulting rate is the maximum levy rate for the city or town even if the fire and/or library district rate is later reduced as a result of prorating ~~((pursuant to))~~ under RCW 84.52.010 to prevent the consolidated levy rate from exceeding the statutory aggregate dollar rate limit or the constitutional one percent limit.

~~((2) Calculate the one hundred six percent levy limit for the city or town independently of the calculations performed in subsection (1) of this section.))~~

(3) **Levy limit calculation.** The levy limit for the city or town is calculated independently of the calculation performed in subsection (2) of this rule.

(4) **Subtraction of fire protection or library district levy rate.** The fire protection and/or library district levy rate is subtracted from the city or town statutory levy rate before any prorated reduction under RCW 84.52.010.

NEW SECTION

WAC 458-19-085 Refunds—Procedures—Applicable limits. (1) **Introduction.** Chapters 84.68 and 84.69 RCW both set out procedures and conditions under which property taxes are refunded. This rule explains the differ-

ences between the types of refunds authorized under each chapter, the procedures related to the refunds, and the effect the refunds have on levy limits and the levy setting process in general.

(2) **Court ordered refunds under chapter 84.68 RCW - County tax refund fund levy.** Any person who believes that the taxes levied against their property are unlawful or excessive may pay the taxes under protest, setting forth all the grounds upon which the tax is claimed to be unlawful or excessive, and bring an action in superior court or in any federal court of competent jurisdiction against the state, county, or municipality. RCW 84.68.020. If the court determines that the taxes were indeed unlawful or excessive, it will enter a judgment in favor of the taxpayer who paid the tax under protest and determine the amount to be refunded to the taxpayer. When such a judgment is entered, the law provides a specific procedure for refunding the money to the taxpayer in RCW 84.68.030 and for taxing districts to generate the moneys to be refunded in RCW 84.68.040. Any and all taxing districts that were levying taxes against the property at the time for which a refund is directed by court order under RCW 84.68.020 must levy, or have levied for them, an amount for the county tax refund fund. The county tax refund fund is a regular levy that is subject to all the applicable levy limitations provided in law for regular levies. However, the law specifically exempts a refund fund levy from the levy limit set forth in RCW 84.55.010.

(a) Method used to make refunds. When a court judgment is entered in favor of a taxpayer, RCW 84.68.030 states that the refund is to be paid via warrants drawn against the "county tax refund fund." If, at the time the judgment is entered, there are no moneys in that fund, then the warrants bear interest and are "callable under such conditions as are provided by law for county warrants."

(b) Process used to generate funds for the county tax refund fund. RCW 84.68.040 provides that as part of the annual levying of taxes for county purposes, the county is required to make and enter a tax levy or levies for the county tax refund fund. The purpose of the refund fund levy is to produce moneys to be deposited into a fund from which a taxpayer, who paid taxes that were later adjudged to be unlawful or excessive, can be repaid, without unduly affecting the operating funds of the taxing districts. This levy has precedence over all other tax levies for county and/or taxing district purposes.

(c) Who makes and enters the tax levies for the refund fund levy? Officers of local taxing districts, the county legislative authority, the county assessor, and any other person or entity that would normally be involved in the levy making process are required to make and enter the refund fund levy. However, if a taxing district is required to levy for the county tax refund fund and fails to do so, or if a taxing district is required to levy for the county tax refund fund and does not have a regular nonvoted levy, then the county legislative authority levies the tax, the assessor sets the rate, and the treasurer collects the tax.

(d) What limitations apply to the county tax refund fund levy? There are four basic levy limitations that need to be taken into consideration: The levy limit set forth in RCW

84.55.010; the constitutional (Article VII, section 2) and statutory (RCW 84.52.010) one percent limit; the statutory dollar rate limit for the various taxing districts; and the aggregate dollar rate limit contained in RCW 84.52.043.

(i) The levy limit set forth in RCW 84.55.010 does not apply to the county tax refund fund levy, regardless of which taxing district is involved (see RCW 84.55.070). Therefore, a taxing district(s) can levy the amount to be refunded even if that amount will cause the total levy of the taxing district to exceed the levy limit. For example, a court orders County A to refund \$10,000 to a Taxpayer. The proper county officials in County A must determine what portion of the \$10,000 is attributable to Taxing District No. 1. For purposes of this example, Taxing District No. 1 owes the Taxpayer \$1,000. Taxing District No. 1's levy last year was \$30,000. Without considering new construction, improvements to property, and increase in value of state assessed property the levy for this year under the levy limit would be \$30,300. However, Taxing District No. 1's levy for this year, including the refund fund levy, can be \$31,300.

(ii) The constitutional one percent limit, the statutory dollar rate limit, and the aggregate dollar rate limit apply to any refund fund levy. Consequently, any refund fund levy must be contained within the maximum dollar rate authorized by law for any taxing district. For example, if under the levy limit, the county current expense levy rate is \$1.80/\$1,000 and the refund fund levy rate is \$.10/\$1,000 A.V., then only \$1.70 may go to the current expense fund. Similarly, if the current expense levy rate, as limited by the levy limit, is \$1.50/\$1,000 A.V., then the \$.10/\$1,000 is added to the \$1.50 making a levy rate that is \$1.60/\$1,000 A.V. Any combination is possible as long as the total of the two does not exceed the statutory dollar rate maximum of \$1.80/\$1,000 A.V. for levies made for county purposes. All moneys levied for the county tax refund fund levy are allocated first, without consideration of any delinquency, and then whatever balance is remaining goes to the district's operating fund.

(e) Refund fund's relationship to excess levies. Because the refund fund levy is the direct result of a court ordered judgment in a specific amount, it does not matter whether the judgment amount is derived from taxes paid on regular, excess, or bond levies, or any combination of these levies. The refund fund levy is separate and independent of the levies from which it arose. The levy includes an additional amount deemed necessary to meet the obligations of the county tax refund fund, taking into consideration the probable portions of the taxes that will not be collected or collectible during the year in which they are due and payable, as well as any unobligated cash in hand in this fund.

(f) Applicability to school district levies and state school levy. All taxing districts for which, and within which, taxes were collected unlawfully are required to levy for the refund fund. A refund fund for the school district would not be limited by a dollar rate limit. However, the school district refund fund levy would be subject to the constitutional one percent limit because the refund fund is a regular levy subject to all applicable limits. The state school levy will include a refund fund levy, which will be calculated by the department at the time it levies the state school levy. The state, as a taxing district itself, follows the same procedures that apply to any

other taxing district, to the extent that those procedures are applicable.

(g) Separate account in county treasury. The county treasurer must keep a separate account for each district for which a refund fund is created and can only disburse money from that account to the taxpayer(s) entitled to receive a court ordered refund.

(3) **Administrative refunds under chapter 84.69 RCW.** Property taxes may be refunded on the order of the county treasurer before or after delinquency if the property taxes were paid under one of the circumstances listed in RCW 84.69.020. These circumstances include errors, changes in valuation or status by a county board of equalization or the state board of tax appeals, and delays in applying for a senior citizen exemption or deferral.

(a) Levy limit set forth in RCW 84.55.010 does not apply. RCW 84.55.070 states that the limitations contained in chapter 84.55 RCW do not apply to property tax refunds paid or to be paid under the provisions of chapter 84.69 RCW. Therefore, an amount necessary to fund any refund paid in accordance with RCW 84.69.020 may be added to the levy for a taxing district without regard to the levy limit. A refund fund levy is not subject to the levy limit. However, the statutory dollar rate limit still applies to each taxing district, as well as the five dollar and ninety cent limit set forth in RCW 84.52.043 and the constitutional one percent limit set forth in Article VII, section 2 of the state Constitution and RCW 84.52.050.

(b) Refunds include interest. Refunds authorized under RCW 84.69.020 must include interest that is payable from the time the taxes were paid. The rate of interest is calculated in accordance with RCW 84.69.100, established annually by the department, and published in WAC 458-18-220.

(c) Examples. Both examples assume that the base for computing the allowable levy is \$10,000 and refer to the county current expense levy rate that may not exceed one dollar and eighty cents per thousand dollars of assessed value in accordance with RCW 84.52.043.

(i) Statutory rate requested does not exceed the dollar rate allowable:

The allowable levy for the county current expense fund	\$10,000
Refunds paid or to be paid	<u>2,000</u>
Total amount of levy	\$12,000
Assessed value	\$7,000,000
Levy rate	\$1.714/\$1,000
The levy rate is within the statutory rate limit of \$1.80/\$1,000	

(ii) Statutory rate requested exceeds the dollar rate allowable:

Allowable levy	\$10,000
Refunds paid or to be paid	<u>2,000</u>
Total amount of levy	\$12,000
Assessed value	\$6,500,000
Levy rate	\$1.846/\$1,000

The dollar rate cannot exceed \$1.80/\$1,000; therefore, the maximum that can be levied is \$6,500,000 x	
\$1.80/\$1,000	\$11,700
Amount to be refunded	\$2,000
Amount to be credited to current expense	\$9,700

(d) The base for computing the following year's levy limit does not include the refund levy amount. In the preceding examples, the base for the following year's levy limit calculation is \$10,000. However, when calculating the additional levy amount based on the value of new construction, improvements to property and any increase in the value of state assessed property, the actual regular levy rate (including the refund levy) is used.

AMENDATORY SECTION (Amending Order PT 82-2, filed 2/19/82)

WAC 458-19-550 State levy—Apportionment between counties. ~~((1) The department of revenue is empowered by statute to formulate such rules and processes as will ensure the equalization of taxation and uniformity of administration of the property tax laws of this state. The department is further directed to apportion the amount of the state property tax levy among the counties in proportion to the equalized value of taxable property in each county in order that each county shall pay its due and just proportion of the state tax. The application of the 106 percent limit to the state levy necessitates reasonable measures by the department to achieve the statutory requirement of just apportionment. This rule provides for adjustment in the apportionment of the next following year state levy when changes in property values are effected, in the manner described below, after the certification of the state levy by the department for the previous year. This rule also provides for adjustment for errors as defined herein which are not otherwise correctable in a timely and orderly manner in the year of levy through the exercise or enforcement of the department's supervisory powers. This rule shall be applied in the manner provided below to preserve an equitable and uniform apportionment of the state levy and to ensure the collection of the proper portion of the state levy from within each county.~~

~~(2) The levy rate for the state property tax levy is the lesser of (a) \$3.60 per thousand dollars of the full true and fair value of the taxable property in the state, or (b) that rate which, when applied to the valuation figures specified in (3) below, will produce a total amount equal to one hundred and six percent of the base amount, i.e., of the highest state tax levy of the most recent three annual state levies, plus an amount calculated by multiplying the value of a new construction, improvements to real property, and increases in the value of centrally assessed property as determined by the department of revenue, by the levy rate of the state tax applicable in the year prior to the current year for which the tax levy is being computed.~~

~~(3) When determining the amount of the state levy with reference to the calculations under (b) above, the dollar~~

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amount apportioned to each county shall be computed based upon those valuation figures made available to the department by each county by October 1 of the levy year. If the use of certification of the counties' assessed values for state levy purposes results in an erroneous apportionment among the counties by reason of changes or errors in valuation within a county, the department of revenue shall adjust the following year's levy apportionment to correct for such changes or errors. Such adjustment shall continue in effect until implemented by the appropriate county officials, and the department shall utilize the powers contained in chapter 84.08 RCW to assure such implementation. For purposes of this rule a change in valuation shall include any adjustment effected by a reviewing body (county board of equalization, state board of tax appeals, or court of competent jurisdiction) and may also include additions of omitted property and other additions to or deletions from the assessment and tax rolls. Errors for purposes of adjustments under this rule shall include errors corrected by a final reviewing body and such other errors which have come to the attention of the department and which would otherwise be a subject for correction in the exercise of its supervisory powers.

(4) Correction required by reason of changes or errors relating to that valuation used in apportioning the current levy shall be made by adjusting the apportionment of the next following year's levy. The department shall recompute the apportionment of the previous year's levy with reference to taxable values corrected for changes and errors and equalized to true and fair value for such previous year's levy. Each county's apportioned amount for the current year's state levy shall be adjusted by the difference between the dollar amounts of state levy due from each county as shown by the original and revised levy computations for the previous year.

(5) Nothing in this rule shall relieve a county from its obligation to correct any error immediately upon discovery, including the calculation of an erroneous rate or the levy of an incorrect amount of tax, when such correction may be timely made to avoid distortion in the true apportionment of the state levy between counties.)) (1) **Introduction.** The department is charged with levying the state taxes authorized by law. As part of this task, the department apportions the amount of tax levied for state purposes among the counties in proportion to the value of taxable property in each county for the year to ensure that each county pays its due and just share of the state tax. This rule explains how the state property tax levy rate is determined, how the department adjusts the previous year's apportionment because of changes and errors in taxable values reported to the department after October 1 of the preceding year, and how the limit factor set forth in RCW 84.55.010 is applied to the state levy.

(2) **Calculation of state levy rate.** The levy rate for the state property tax levy is the lesser of:

(a) \$3.60 per thousand dollars of the full true and fair value of the taxable property in the state; or

(b) The rate that, when applied to the valuation figures specified in subsection (3) of this rule, will produce a total amount equal to the levy limit set forth in RCW 84.55.010. This levy limit equals the limit factor multiplied by the highest state property tax levy of the most recent three annual

state levies, plus an amount calculated by multiplying increases in value due to new construction, improvements to real property, and the increase in value of state-assessed property by the state levy rate applicable in the year prior to the current year for which the tax levy is being computed.

(3) **Apportionment between the counties - Adjustment for changes or errors.** When determining the amount of the state levy using the calculations set forth in subsection (2)(b) above, the dollar amount apportioned to each county is based upon the valuation figures reported to the department by each county by October 1 of the levy year. If use of the counties' certified assessed values for state levy purposes causes an erroneous apportionment among the counties because of later changes or later-identified errors in valuation within a county, the department will adjust the following year's levy apportionment to reflect these changes and the corrections for these errors.

(a) For purposes of this rule, a change in taxable value includes any final adjustment made by a reviewing body (county board of equalization, state board of tax appeals, or court of competent jurisdiction) and may also include additions of omitted property, other additions to or deletions from the assessment or tax rolls, any assessment return submitted by a county to the department subsequent to December 1st, or a change in the indicated ratio of a county.

(b) Errors requiring adjustments under this rule include errors corrected by a final reviewing body or any other error that may have come to the department's attention and would otherwise be a subject for correction in the exercise of its supervisory powers.

(4) **Changes or errors in current levy - Adjust apportionment for the following year's levy.** If there are any changes or errors relating to the values used in apportioning the current levy, the apportionment for the following year's levy will be adjusted. For purposes of this apportionment, the department will recalculate the previous year's levy and the apportionment thereof to correct any changes or errors in taxable values reported to the department after October 1 of the preceding year. The department will adjust the apportioned amount of the current year's state levy for each county by the difference between the dollar amounts of state levy due from each county as shown by the original and revised levy computations for the previous year.

(5) **County required to correct any error upon discovery.** Nothing in this rule relieves a county from its obligation to correct any error immediately upon discovery when the correction may be timely made to avoid distortion in the true apportionment of the state levy between counties.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 458-19-015

Assessor to determine one hundred six percent levy limit—Exceptions.

WSR 02-16-057

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed August 2, 2002, 8:44 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-13-012.

Title of Rule: Chapter 308-63 WAC, Wreckers.

Purpose: 1. To meet the criteria set forth in Governor Locke's Executive Order 97-02.

2. To clarify rules and help make them more comprehensible.

Statutory Authority for Adoption: Chapter 46.55 RCW.

Summary: Amending WAC 308-63-090 Wreckers—Records and procedures for monthly reports.

Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02 and chapter 245 of the 2002 regular legislation session. Implementation of the requirements of SB 6530.

Name of Agency Personnel Responsible for Drafting: Katherine Iyall Vasquez, 1125 Washington Street S.E., Olympia, (360) 902-3718; Implementation and Enforcement: Myke Gable, 2000 4th Avenue West, Black Lake 3, (360) 664-6451.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The anticipated effects will be a clarification of the above-mentioned requirements.

Proposal Changes the Following Existing Rules: Clarify sections needed and repeal those no longer required.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). The proposed rule making does not impose more than a minor cost on business in an industry.

RCW 34.05.328 does not apply to this rule adoption. The contents of the proposed rules are explicitly and specifically dictated by statute.

Hearing Location: Highways-Licenses Building, Conference Room 107, 1125 Washington Street S.E., Olympia, WA 98507, on September 10, 2002, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Katherine Iyall Vasquez by September 9, 2002, TTY (360) 664-8885 or (360) 902-3718.

Submit Written Comments to: Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831, by September 9, 2002.

Date of Intended Adoption: September 10, 2002.

July 22, 2002

Katherine Vasquez
for D. McCurley, Administrator
Title and Registration Services

AMENDATORY SECTION (Amending WSR 00-13-019, filed 6/12/00, effective 7/13/00)

WAC 308-63-090 Wreckers—Records and procedures for monthly reports. What records must I keep and how do I handle the monthly report? (1) Wrecker books and files. The wrecker shall maintain books and files which shall contain the following:

(a) A record of each vehicle or part acquired giving:

(i) A description of the vehicle or part by make, model, year, and for major component parts, except core parts, the vehicle identification number and "yard number" assigned at the time the vehicle or major component part was placed in the wrecking yard;

(ii) The date purchased or acquired by the wrecker, and the name of the person, firm or corporation from which the vehicle or part was obtained;

(iii) The certificate of title number if registered in a title state, or registration number if a nontitle state; or description of the document used in lieu of title, such as an affidavit of sale or a bill of sale for a vehicle or vehicle part; ~~((and))~~

(iv) The name of the state and license number in the state that a vehicle was last registered; and

(v) A statement indicating whether any used car or truck at least six years but not more than twenty years old met the market value threshold amount immediately before it was wrecked, destroyed or damaged, as required by RCW 46.12.070 and WAC 308-56A-460(3). If this statement is not provided, the department will treat the report as if the wrecker indicated that the market value threshold was met when required.

(b) A record of the disposition of the motor, body, and major component parts giving the name of the person purchasing the part(s), if any. Sales to scrap processors shall be accompanied by an invoice or bill of sale, listing each vehicle by its yard number. The wrecker shall retain a copy of such invoice or bill of sale for purposes of inspection for three years.

These records will be subject to inspection by authorized representatives of the department and law enforcement officials during regular business hours. The foregoing information shall be entered in the wrecker's records within two business days of the event requiring the entry, such as receipt of a vehicle.

(2) Must furnish written reports. By the tenth of the month following acquisition of vehicles entered into the wrecking yard inventory, each wrecker will submit a report on the form prescribed by the department documenting that those vehicles were entered into the wrecking yard inventory during the month. Vehicles being held in the segregated storage area awaiting ownership documents, pursuant to WAC 308-63-070(8), will not be reported. The report shall be made in duplicate. The original shall be sent to the department and the duplicate retained for the wrecker's files. If no vehicles are acquired during the month, the monthly report must be sent in stating "none." The report shall give such information for vehicles only as the wrecker is required to keep by subsection (1)(a)(i), (ii), (iii), ~~((and))~~ (iv), and (v) of this section ~~((; it shall))~~. The report must be accompanied by properly endorsed certificates of title or other adequate evidence

of ownership and registration certificates: Provided, That records on acquisitions and sales of vehicle parts need not be included in reports submitted to the department but records shall be kept for three years from date of purchase and available for inspection.

(3) Identity of vehicles in yard. All vehicles placed in the yard shall be identified by a yard number as assigned in the wrecking records with numerals marked so as to be clearly visible and legible. If a part of a vehicle is sold which has the number on it, the yard number of the vehicle shall be remarked in another location on the vehicle.

WSR 02-16-060
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed August 2, 2002, 9:49 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-13-139.

Title of Rule: Amending chapter 36-12 WAC, Professional boxing: WAC 36-12-011, 36-12-030, 36-12-100, 36-12-110, 36-12-130, 36-12-140, 36-12-170, 36-12-195, 36-12-200, 36-12-240, 36-12-465 and 36-12-475; amending chapter 36-13 WAC, Professional wrestling: WAC 36-13-010, 36-13-020, 36-13-030, 36-13-040, 36-13-050, 36-13-110, 36-13-120 and 36-13-130; and amending chapter 36-14 WAC, Professional martial arts: WAC 36-14-110, 36-14-400, 36-14-410; and new sections: WAC 36-14-105 Guidelines for kickboxing and Muay Thai weight classes—Weight difference and glove weight, 36-14-106 Weighing time, and 36-14-120 Officials compensation fees to be paid by promoter.

Purpose: To set new licensing fees for the chiropractor license and to set new fees to be paid by the promoter to the chiropractor. To set officials compensation fees. To amend, repeal or retain current rules, which may no longer be needed or need further written clarification as per the governor's directive on state rules review.

Statutory Authority for Adoption: RCW 67.08.017, 67.08.105, 43.24.023.

Statute Being Implemented: RCW 67.08.017, 67.08.105.

Summary: Amend, repeal and add new sections for chapters 36-12, 36-13, and 36-14 WAC for clarification and to set new licensing fees and fees to be paid by promoter.

Reasons Supporting Proposal: Amending, repealing and adding new rules for clarification to ensure the health, safety and welfare of the participants.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Randy Renfrow, 405 Black Lake Boulevard, Building 2, Olympia, WA 98502, (360) 664-6644.

Name of Proponent: Department of Licensing, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Rules to become effective on January 1, 2003.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Due to legislation changes to chapter 67.08 RCW allowing a chiropractor to now be a licensed official at boxing, kickboxing, or martial arts events it is necessary to set new licensing fees for the chiropractor license and fees to be paid by the promoter to the chiropractor. To set officials compensation fees. To amend, repeal and add new sections or retain current rules, which may no longer be needed or need further written clarification as per the governor's directive on state rules review.

Proposed rules will help to ensure the health, safety and welfare of the participant.

Proposal Changes the Following Existing Rules: Proposed rules have been changed to set licensing fees for the new chiropractor license and fees to be paid by the promoter to the chiropractor and to set officials compensation fees. Proposed rules have been amended, repealed, and new sections added.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There will not be a burden on the industry due to increased fees or increased workloads.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Licensing, Business and Professions Division, 405 Black Lake Boulevard, Building 2, Conference Room 209, Olympia, WA 98502, on September 16, 2002, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Jim Hood by September 15, 2002, TDD (360) 586-2788 or (360) 664-6644.

Submit Written Comments to: Randy Renfrow, Professional Athletic Section, P.O. Box 9026, Olympia, WA 98507-9026, fax (360) 570-4956, by September 15, 2002.

Date of Intended Adoption: September 18, 2002.

August 1, 2002

Alan E. Rathbun

Assistant Director

AMENDATORY SECTION (Amending WSR 02-03-069, filed 1/11/02, effective 2/11/02)

WAC 36-12-011 Definitions. The following definitions will be used throughout this WAC:

(1) "Purse" will be defined as the sum of money or other compensation by way of guarantee, percentage or otherwise, paid to a boxer.

(2) "Knockdown" is defined as when a boxer is knocked to the ring canvas by fair blows, hangs helplessly on the ropes, or the ropes prevent his/her fall, or any part of the body other than the soles of the feet touches the ring canvas.

(3) The "outcome of a contest" occurs when the contest has concluded, a determination has been made described in WAC 36-12-130, and the report to the boxing registry required by the federal Boxing Safety Act of 1996 has been submitted.

(4) "Neutral corner" is defined as one of the two corners of a ring that are not assigned to a boxer for a contest.

(5) A "count" is the audible measure of time signaled by the referee to a boxer who has been knocked to the ring canvas by fair blows or to a standing boxer who, in the referee's judgment, is momentarily unable to defend him/herself.

(6) "Scorecard" is defined as the document used by judges to score a contest.

(7) "Ten-point-must system" of scoring is defined as the scoring system used by judges giving ten points to the boxer winning a round and a lesser number of points to the boxer losing a round.

(8) "Foul" is defined as an action by a boxer, identified by the referee that does not meet the definition of "boxing" as described in RCW 67.08.002. Fouls may include, but are not limited to, the following types of contact or acts:

(a) Hitting, a low blow, below the navel or behind the ear;

(b) Hitting an opponent who is knocked down;

(c) Holding an opponent with one hand and hitting with the other;

(d) Holding or deliberately maintaining a clinch;

(e) Wrestling, kicking or roughing;

(f) Pushing an opponent about the ring or into the ropes;

(g) Butting with the head, shoulder, knee, elbow;

(h) Hitting with the open glove, the butt or inside of the hand, or back of the hand, the elbow or the wrist;

(i) Purposely falling down onto the canvas of the ring without being hit or for the purpose of avoiding a blow;

(j) Striking deliberately at that part of the body over the kidneys;

(k) Using the pivot blow (pivoting while throwing a punch) or the rabbit punch (punches thrown to the back of the head and neck areas);

(l) Jabbing the eyes with the thumb of the glove;

(m) Use of abusive language;

(n) Unsportsmanlike conduct causing injury to an opponent that does not meet the definition of "boxing" in RCW 67.08.002;

(o) Hitting on the break;

(p) Intentionally spitting out the mouthpiece;

(q) Hitting on or out of the ropes;

(r) Holding rope and hitting;

(s) Biting/spitting;

(t) Not following referee's instructions;

(u) Stepping on opponent;

(v) Crouching below opponent's belt;

(w) Leaving neutral corner; and

(x) Corner second shouting.

(9) "Fair blow" is defined as an exchange of blows delivered with the padded knuckle part of the glove to the front or sides of the head and body above the navel.

(10) "Event official" is defined as an official licensed under RCW 67.08.100 as a judge, referee, timekeeper, event physician, and/or inspector and appointed by the department to provide services at a boxing event.

(11) "Manager" is defined as a person licensed under RCW 67.08.100 who contracts with a boxer to receive compensation for service as an agent or representative.

(12) "Second" is defined as a person licensed under RCW 67.08.100 who assists a boxer during a contest.

(13) "Matchmaker" is defined as a person licensed under RCW 67.08.100 who works for a promoter to propose, select or arrange for boxers to participate in a boxing contest.

(14) "Announcer" is defined as a person licensed under RCW 67.08.100 who works for a promoter announcing information to the audience at a boxing event.

(15) "Referee" is defined as an event official and is the chief official supervising a boxing contest.

(16) "Timekeeper" is defined as an event official who keeps the official timing of a contest.

(17) "Judge" is defined as an event official who scores a boxing contest.

(18) "Inspector" is defined as the event official who reports directly to the department and provides overall management of a boxing event.

(19) "Advance notice" is defined as a list of matches for an event submitted by the promoter to the department for approval that includes the names of proposed boxers for a contest, his/her manager or managers and other information that may be required by the department.

(20) "Boxing registry" is defined as the entity certified by the Association of Boxing Commissions for the purposes of maintaining records and identification of boxers and required under the federal "Professional Boxing Safety Act of 1996."

(21) "Contest" is defined as a fight scheduled between boxers appearing at an event.

(22) "Round" is defined as a two- or three-minute time period during which boxers compete in a boxing contest.

(23) "Net gate proceeds" is defined as the total dollar amount received from the face value of all tickets sold with complimentary tickets excluded.

(24) "Televised" is defined as any simultaneous or delayed visual broadcast of an event delivered through electronic means for viewing.

AMENDATORY SECTION (Amending WSR 02-03-069, filed 1/11/02, effective 2/11/02)

WAC 36-12-030 Weigh-in. (1) Boxers shall be weighed within twenty-four hours prior to the scheduled event, at a time and place chosen by the promoter and approved by the department. The weigh-in shall take place in the presence of the department and the promoter or the promoter's representative.

(2) The scales used for weigh-in shall be provided by the promoter and approved by the department.

(3) The weight of each boxer shall be recorded on a form provided by the department and signed by the representative of the department.

(4) If a boxer weighs-in within twenty-four hours, but not less than twelve hours prior to an event's scheduled start time, the boxer shall weigh the weight specified on the boxer/promoter contract referred to in WAC 36-12-360 ((6))(7). If a boxer weighs more than the weight specified in the boxer/promoter contract, the boxer may:

(a) Lose the weight exceeded in the boxer/promoter contract at least twelve hours prior to the event's scheduled start time;

(b) Lose all but two pounds of the weight exceeded in the boxer/promoter contract at least twelve hours prior to the event's scheduled start time and lose the final two pounds at least two hours prior to the event's scheduled start time;

(c) Renegotiate the boxer/promoter contract; or

(d) Not do (a) through (c) of this subsection and the contest will be canceled by the department.

(5) If a boxer weighs-in less than twelve hours prior to an event's scheduled start time, the boxer shall weigh the weight specified in the boxer/promoter contract referred to in WAC 36-12-360((6))(7). If a boxer weighs more than two pounds over the weight specified in the boxer/promoter contract, the boxer may:

(a) Lose up to two pounds at least two hours prior to an event's scheduled start time;

(b) Renegotiate the boxer/promoter contract; or

(c) Not do (a) or (b) of this subsection and the contest will be canceled by the department.

AMENDATORY SECTION (Amending WSR 02-03-069, filed 1/11/02, effective 2/11/02)

WAC 36-12-100 Officials. (1) The department shall appoint at least two referees, a timekeeper, ~~((an))~~ two event physicians, three judges, and an inspector for each event. Additional event officials may be appointed by the department.

(2) In order to ensure the health and safety of the contestants and officials, licensed event officials not appointed to work at a boxing event shall be admitted to a boxing event without charge by the promoter. These officials shall report to the department immediately upon arriving at the event for appointment as back-up to appointed event officials or for other duties.

(3) Event officials shall dress in appropriate attire.

(a) Judges and inspectors should dress in casual business attire (sport coat and dress slacks) to assure a professional appearance. At a minimum, the recommended attire will be dress sport shirt and slacks.

(b) The uniform for referees should consist of:

(i) Black or dark blue trousers;

(ii) Black shoes (boxing shoes or approved soft-soled shoes);

(iii) Light blue button shirt (long or short sleeved); and

(iv) Black bow tie.

(c) Timekeepers should dress in a black and white striped shirt and dress slacks.

AMENDATORY SECTION (Amending WSR 02-03-069, filed 1/11/02, effective 2/11/02)

WAC 36-12-110 Referee's responsibilities/authority.

(1) The referee's primary responsibility shall be to maintain the safety and welfare of the boxers at all times.

(2) Before starting a contest, the referee shall determine the name of the chief seconds for each boxer. The chief second shall be responsible for the conduct of the boxer's other seconds during the contest.

(3) The referee shall call boxers and their chief seconds into the ring at the beginning of each contest for instructions.

(4) The referee shall not allow any person other than the boxers and the event physician to enter the ring during a round.

(5) The referee shall inspect the boxers' bodies and gloves to make sure that no substances have been applied to the detriment of an opponent.

(6) Referees who are event officials shall pass a physical examination by the event physician within twenty-four hours prior to an event for the purpose of determining their physical ability to referee the contest. If such examination indicates the referee is physically unable to referee the contest, such inability shall be noted on the prefight physical form and immediately be reported to the inspector.

(7) The referee shall have the authority to stop a contest any time he/she thinks it is too one-sided, or if either boxer is in such condition that to continue might subject them to serious injury.

(8) The referee shall not make a disqualification decision based on one unintentional, low-blow foul. However, if two previous warnings for such fouls have resulted in point deductions, the third foul may be grounds for disqualification.

(9) The referee has authority to decide any matters that arise during a contest and are not covered by these rules.

(10) If a boxer receives an injury that the referee thinks shall incapacitate the boxer, the referee shall ask the event physician to examine the boxer. The event physician shall provide the referee with an opinion as to the seriousness of the injury and either the event physician or the referee shall stop the contest if the injury is serious. When a referee calls the event physician into the ring, the referee shall direct the timekeeper to cease keeping time while the event physician examines the boxer.

(11) The referee may penalize a boxer who fouls an opponent during a contest, by charging such boxer with the loss of points. The referee shall immediately notify the judges of the number of points to be deducted.

(12) The referee shall stop the contest if the boxer's chief second determines that a contest should be stopped, and immediately signals the referee by stepping onto the ring apron.

(13) When a boxer resumes boxing after having been knocked down or fallen or slipped to the floor, the referee shall wipe all foreign material from the boxer's gloves.

(14) The referee shall give a boxer injured by a low-blow foul up to five minutes to recover. Should the boxer be unable to continue at the end of the recovery period, the referee shall declare that the boxer has signaled his/her desire to stop boxing as described in WAC 36-12-130 (1)(b)((+))(iv).

(15) Prior to an event, each referee shall disclose to the department all considerations, including reimbursement for expenses that will be received from any source for participation in the event. The disclosure shall be made on a form supplied by the department.

(16) A decision rendered at the termination of any contest may be changed by the department if the department determines that one of the following occurred:

(a) There was collusion affecting the result of any contest;

(b) The compilation of the scorecard of the judges shows an error which would mean that the decision was given to the wrong contestant; or

(c) There was a violation of the laws or rules governing contests, which affected the result of any contest.

AMENDATORY SECTION (Amending WSR 02-03-069, filed 1/11/02, effective 2/11/02)

WAC 36-12-130 Outcome of contests. (1) If a referee stops a contest, he shall render a decision regarding the outcome of the contest as follows:

(a) Win by knockout if:

(i) Boxer has been knocked down by fair blows and cannot arise before completion of the referee's count; or

(ii) Boxer has been knocked down and the referee waves off the count because of urgency to have the event physician examine the boxer.

(b) Win by technical knockout if:

(i) ~~((Boxer suffers any combination of three knock-downs/standing counts in one round;~~

~~((ii)))~~ In the referee's judgment, boxer is outclassed or is unable to continue due to punishment received;

~~((iii)))~~ (ii) Boxer does not resume boxing by the end of a referee's count (excluding knockouts);

~~((iv)))~~ (iii) Cornerman signals referee to terminate the bout; or

~~((v)))~~ (iv) Boxer, after putting forth good effort, signals referee his/her desire to stop boxing.

(c) Win by technical decision ~~((to the boxer who is ahead on at least two of the judges' scorecards))~~ if a contest is stopped after completion of ~~((three))~~ four rounds ~~((of a contest scheduled for less than eight rounds or four rounds of a contest scheduled for eight rounds or more))~~ due to an accidental head butt or foul. At least two of the judges must have the same boxer ahead on points.

(d) Technical draw if:

(i) A bout is stopped before the completion of ~~((three))~~ four rounds of a contest ~~((scheduled for less than eight rounds or stopped before the completion of four rounds of a contest scheduled for eight rounds or more))~~ due to an accidental head butt or foul; or

(ii) A bout is stopped after the completion of ~~((three))~~ four rounds of a contest ~~((scheduled for less than eight rounds or a bout is stopped after the completion of four rounds of a contest scheduled for eight rounds or more))~~ due to an accidental head butt or foul and the judges are split (one voting for boxer A, one voting for boxer B, and the third judge with an even score); or

(e) No contest if:

(i) The bout is unable to continue due to events other than boxing (fire, riot, ring collapse, etc.); or

(ii) In the referee's judgment, there appears to be collusion affecting the outcome of the contest.

(f) Disqualification:

(i) If points have been deducted from a boxer's scorecard for three separate incidents as described in WAC 36-12-110~~((+2))~~ (11);

(ii) If a boxer, in the referee's judgment, flagrantly fouls an opponent;

(iii) If a boxer quits after putting forth no effort, thereby fostering a sham on the public;

(iv) Second enters the ring during the progress of the bout; or

(v) Following a contest, a boxer tests positive for controlled substances per WAC 36-12-240.

(2) If a contest ends when the scheduled rounds are completed, the outcome of the contest may be as follows:

(a) Winner by unanimous decision if all three judges agree on the same winner;

(b) Winner by split decision if two judges agree on winner and the third judge votes for the other boxer;

(c) Winner by majority decision if two judges agree on winner and the third judge has the score even between the boxers;

(d) A draw if all three judges have the score even between the boxers or are split (one voting for boxer A, one voting for boxer B, and the third judge with an even score); or

(e) A majority draw if two of the judges agree that the score is even between the boxers.

AMENDATORY SECTION (Amending WSR 02-03-069, filed 1/11/02, effective 2/11/02)

WAC 36-12-140 Method of counting over a boxer who is down. (1) The referee ~~((may))~~ shall give an injured boxer a count of eight ~~((seconds at any time))~~ when a knock-down occurs. The referee does not have to continue to count if in the referee's opinion a boxer is unable to continue to box. The referee shall resume a count where it was left off if a boxer attempts to rise after being knocked down and goes down again immediately.

(2) When the referee determines a boxer has been knocked down, the referee shall require the boxers to cease boxing during the count. If the boxer rises prior to, or when the count is completed, the referee shall determine whether the boxer's reflexes and condition render it appropriate to continue the contest.

(3) If a boxer does not rise when the count of eight is completed, the referee shall continue the count to ten seconds.

(4) If the boxer being given a count by the referee is down on the canvas of the ring when the referee completes counting to ten seconds, the referee shall wave both arms to indicate that the boxer has been knocked out and shall stop the contest. The referee may raise the hand of the opponent indicating that the opponent has won by a knockout.

(5) The referee's counting of seconds is the official count. However, when a boxer is knocked down, the timekeeper shall assist with starting and maintaining an accurate count by striking the edge of the ring platform once each second with a hammer or other equipment or signaling method.

(6) When a boxer is knocked down, the referee shall direct the opponent to move to the farthest neutral corner of the ring. If the opponent leaves the neutral corner, the referee shall interrupt the count and will not resume the count until the opponent returns to the neutral corner.

(7) ~~((If a boxer has been knocked down three times during a round, the referee shall stop the contest.~~

(8)) If a boxer is knocked down and the referee is still counting when three minutes of a round has elapsed, the bell shall not be sounded until the knocked down boxer rises and the referee indicates that the contest will continue. A boxer cannot be saved by the bell at the end of any round.

((9)) (8) If both boxers score simultaneous knock-downs (double knockdown), the referee shall begin a count as in any knockdown. If one contestant does not rise before the count of ten, his opponent shall be declared the winner. If both contestants rise before completion of the count, the bout may continue at the discretion of the referee. If both contestants rise but neither can continue as determined by the referee and/or event physician, the winner will be determined by the scorecards. If neither contestant rises before the count of ten, they will both lose by knockout.

AMENDATORY SECTION (Amending WSR 02-03-069, filed 1/11/02, effective 2/11/02)

WAC 36-12-170 Officials compensation fees to be paid by promoter. (1) The following minimum fees shall be paid by the promoter of the event to the event officials for nontitle, nontelevised bouts:

Judge	\$75.00
Timekeeper	\$75.00
Referee (preliminary)	\$110.00
Referee (main event)	\$125.00
Physician	\$250.00
<u>Event chiropractor</u>	<u>\$200.00</u>

<u>Officials fees (minimums)</u>	<u>Judges</u>	<u>Timekeepers</u>	<u>Referee</u>	<u>Physician</u>	<u>Event chiropractor</u>
<u>If total purse is up to \$100,000</u>	<u>\$1,000</u>	<u>\$600</u>	<u>\$1,200</u>	<u>\$700</u>	<u>\$500</u>
<u>\$100,000 to \$300,000</u>	<u>\$1,100</u>	<u>\$700</u>	<u>\$1,500</u>	<u>\$800</u>	<u>\$600</u>
<u>\$300,001 to \$1,000,000</u>	<u>\$1,800</u>	<u>\$800</u>	<u>\$2,500</u>	<u>\$900</u>	<u>\$700</u>
<u>\$1,000,001 to \$5,000,000</u>	<u>\$2,500</u>	<u>\$900</u>	<u>\$3,000</u>	<u>\$1,000</u>	<u>\$800</u>
<u>Over \$5 million</u>	<u>\$4,500</u>	<u>\$1,000</u>	<u>\$7,500</u>	<u>\$1,500</u>	<u>\$1,000</u>

(6) Travel mileage shall be paid to event officials at the rate listed on schedule A, chapter 10.90.10.b of the *State Administrative and Accounting Manual* as published by the office of financial management.

AMENDATORY SECTION (Amending WSR 01-22-029, filed 10/29/01, effective 11/29/01)

WAC 36-12-195 License fees, renewals and requirements. (1) The license year is one year from date of issue. License fees are paid annually. Fees shall be as follows:

Manager	-	\$40.00
Referee	-	\$15.00
Boxer	-	\$15.00
Matchmaker	-	\$40.00

(2) The following minimum fees shall be paid by the promoter of the event to event officials for nontitle, televised bouts:

Judges	\$100.00
Timekeepers	\$100.00
Referee (preliminary)	\$135.00
Referee (main event)	\$200.00
Physician	\$250.00
<u>Event chiropractor</u>	<u>\$200.00</u>

(3) In the event of a local, state or regional championship, title fight, or ~~((nationally))~~ televised fight, event officials shall be paid by the promoter at the respective and prevailing scale of the sponsoring organization. The event officials pay rate shall not be lower than the televised rate established in subsection (2) of this section.

(4) In the event of a championship, title fight, or nationally televised fight, event officials shall be paid by the promoter at the respective and prevailing scale of the sponsoring organization but shall not be lower than the rates established below:

<u>Judges</u>	<u>\$400.00</u>
<u>Timekeepers</u>	<u>\$250.00</u>
<u>Referee (preliminary)</u>	<u>\$450.00</u>
<u>Referee (main event)</u>	<u>\$500.00</u>
<u>Physician</u>	<u>\$300.00</u>
<u>Event chiropractor</u>	<u>\$250.00</u>

(5) In the event of a "world" title bout, the following minimum fees shall be paid by the promoter of the event to event officials:

Second	-	\$15.00
Inspector	-	\$40.00
Judge	-	\$40.00
Timekeeper	-	\$40.00
Announcer	-	\$40.00
Event physician	-	\$40.00
<u>Event chiropractor</u>	-	<u>\$40.00</u>
Promoter	-	\$50.00

(2) All renewal fees shall be the same fee as each original license fee.

(3) Licensing requirements:

(a) Completed application on form approved by the department.

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- (b) Completed physical within one year (boxer and referee only).
- (c) Federal identification card (boxer only).
- (d) One small current photograph, not more than two years old (boxer only).
- (e) Payment of license fee.
- (f) Certification from an organization approved by the department under RCW 67.08.100(3) and WAC 36-12-196.
- (4) Applicants may not participate until all licensing requirements are received and approved by the department of licensing.

AMENDATORY SECTION (Amending WSR 02-03-069, filed 1/11/02, effective 2/11/02)

WAC 36-12-200 Boxers. (1) Boxers shall be present in the dressing room at the time designated by the department or at least one hour before the scheduled time of the first contest.

(2) Male boxers shall box in boxing shorts, abdominal guard, foul proof protection cup, shoes and custom-made, individually fitted mouthpiece.

(3) Female boxers shall box in boxing shorts, abdominal guard, foul proof protection cup, body shirt, breast protector, shoes and a custom-made, individually fitted mouthpiece. All female boxers must provide a negative pregnancy test within seven days prior to each contest.

(4) Boxers shall not use substances on their body or gloves that might handicap an opponent.

(5) If a boxer cannot box in an event for which the boxer has a contract with a promoter due to a physical disability, the boxer shall be examined by a physician as defined in RCW 67.08.002(11) prior to the scheduled event. The boxer shall report the disability to the department prior to the scheduled contest.

(6) After a boxer boxes in an event, the boxer shall not box again until seven days have passed.

(7) The department may limit the persons allowed in the dressing room of a boxer.

(8) Licensees shall not verbally abuse or have physical contact with any event official.

(9) Boxers shall receive a health and safety disclosure form from the department at the time the department issues the federal identification card required by the federal Professional Boxing Safety Act of 1996 including amendments of 2000.

(10) Copies of the annual physical examination required in RCW 67.08.100(2) shall be provided to the department. The examination shall certify that a boxer is physically fit to safely compete in a boxing contest.

(11) Any professional boxer engaging in amateur events shall be subject to disciplinary action by the department.

AMENDATORY SECTION (Amending WSR 02-03-069, filed 1/11/02, effective 2/11/02)

WAC 36-12-240 To prevent injury to contestants—Physical qualifications and exams. (1) A boxer applying for a license to box in this state shall meet the following standards:

(a) Be certified by a physician as described in RCW 67.08.002(11) to be physically fit to safely compete in professional boxing. The examination shall include, but not be limited to:

(i) Eyesight;

(ii) Blood pressure;

(iii) Communicable blood diseases~~((;))~~ including, but not limited to, HIV, Hepatitis B, and Hepatitis C; and

(iv) ~~((Drug testing for controlled substances defined in RCW 69.50.101; and~~

~~((;)))~~ Other physical factors the department determines are necessary to show a boxer is physically fit to ~~((safety))~~ safely compete in professional boxing.

(b) In addition to the requirements of (a) of this subsection, if a boxer is over thirty-six years old, or has lost six consecutive fights, the physical certification in (a) of this subsection must include proof of:

(i) A complete physical exam ~~((within thirty days of the event))~~ which includes an electroencephalogram (EEG) and an electrocardiogram (EKG); and

(ii) Any other specialized medical testing that may be determined necessary by the department.

(2) The event physician shall examine boxers and referees within twenty-four hours prior to and immediately following an event to determine that they meet the standards in subsection (1)(a) of this section with the exception of the requirements of ~~((subsection (1)(a)(iv) of this section))~~ RCW 67.08.090(5) unless the department notifies the event physician that drug testing is required following an event.

(3) A boxer who tests positive on a drug test required by RCW 67.08.090(5) or in subsection ~~((1) or~~ (2) of this section shall not be allowed to box in any event.

(4) When a contestant has been knocked out, none of the handlers are to touch the contestant, except to remove the mouthpiece until the attending physician enters the ring and personally attends the fallen contestant, and issues such instructions as deemed necessary to the contestant's handlers.

AMENDATORY SECTION (Amending WSR 02-03-069, filed 1/11/02, effective 2/11/02)

WAC 36-12-465 Application of brief adjudicative proceedings. The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether the department is proposing to deny an application to any applicant as defined in the Professional Athletics Act, chapter 67.08 RCW;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department; and

(3) Whether a license holder requesting renewal has not submitted all required information to meet minimum criteria for renewal~~((;))~~

~~((4) Whether a license holder has been certified by a lending agency and reported to the department for nonpayment or~~

default on a federally or state guaranteed educational loan or service conditional scholarship)).

AMENDATORY SECTION (Amending WSR 00-02-054, filed 12/31/99, effective 1/31/00)

WAC 36-12-475 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for an original or renewal license shall consist of:

- (a) The application for the license, renewal, or approval and all associated documents;
 - (b) All documents relied upon by the department in proposing to deny the application, renewal, or approval; and
 - (c) All correspondence between the applicant for license, renewal, or approval and the department regarding the application.
- (2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:
- (a) The previously issued final order or agreement;
 - (b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;
 - (c) All correspondence between the license holder and the department regarding compliance with the final order or agreement; and
 - (d) All documents relied upon by the department showing that the license holder has failed to comply with the previously issued final order or agreement.

~~((3) The preliminary record with respect to the determination of nonpayment or default by the license holder on a federally or state guaranteed educational loan or service conditional scholarship shall consist of:~~

- ~~(a) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state guaranteed educational loan or service conditional scholarship; or~~
- ~~(b) A written release, if any, issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency;-)~~

AMENDATORY SECTION (Amending WSR 00-02-054, filed 12/31/99, effective 1/31/00)

WAC 36-13-010 License fees, renewals and requirements. (1) The license year is one year from date of issue. License fees are paid annually. Fees shall be as follows:

((Manager	-	\$	15.00
Referee	-	\$	15.00))
Wrestling participant	-	\$	15.00
Inspector	-	\$	40.00
((Timekeeper	-	\$	40.00))
Announcer (nonparticipant)	-	\$	40.00
Event physician	-	\$	40.00
Promoter	-	\$	50.00

~~(2) ((All renewal fees shall be the same fee as each original license fee-)) No license fee is required for persons licensed under chapter 36-12 or 36-14 WAC as an inspector, announcer, event physician or promoter.~~

- ~~(3) ((Licensing requirements:~~
- ~~(a) Completed application on form approved by the department-~~
- ~~(b) Completed physical within one year. All applicants for a participant's license shall be found after examination by a physician to be physically and mentally fit to participate in a wrestling show or exhibition. (Manager, referee, and wrestling participant only-)~~

~~(c) One small current photograph, not more than two years old-~~

- ~~(d) Payment of license fee-~~
- ~~(4) Applicants may not participate until all licensing requirements are received and approved by the department of licensing-~~

~~(5) Any person under the age of eighteen years old shall not be eligible for a license with the department of licensing-) In addition to license requirements found in chapter 67.08 RCW, licensees and applicants shall submit a small photograph of themselves that is not more than two years old.~~

AMENDATORY SECTION (Amending WSR 00-02-054, filed 12/31/99, effective 1/31/00)

WAC 36-13-020 Definitions. ~~((The term))~~ "Participant" ~~is defined as ((used in this chapter means))~~ any person ~~((actually))~~ engaged physically in the wrestling exhibition or show.

AMENDATORY SECTION (Amending WSR 00-02-054, filed 12/31/99, effective 1/31/00)

WAC 36-13-030 Ring and safety zone. (1) The promoter shall supply a ring that meets the following standards:

(a) The ring shall not be less than ((sixteen feet)) a sixteen-foot square within the ropes ((and the ring floor shall extend beyond the ropes not less than eighteen inches)).

~~((2))~~ (b) The ring floor shall be padded to a thickness of at least one inch. A regular one-piece wrestling mat is preferred, although soft padding of a proper thickness may be used, with a top covering of clean canvas tightly stretched and laced to the ring platform.

~~((3))~~ (c) The promoter shall keep the mat and covering in a clean and sanitary condition.

(2) There shall be a six-foot safety zone between the ring and the first row of spectator seats. The floor in the safety zone may be covered by padded floor mats. The safety zone may extend in an aisle from ringside directly to the locker room. The safety zone shall have a barrier approved by the department, which is at least three feet high. The barrier shall be of sufficient strength and durability to prevent the audience from coming in physical contact with the wrestling participants. No person other than security, department representatives, wrestling participants or event licensees shall be permitted in the safety zone during any part of an event unless expressly approved by the department representative. The wrestling participants shall not leave the confines of the

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safety zone during a match. Wrestling activities which may include any member of the audience will be considered unprofessional conduct and subject to penalties under RCW 67.08.180(5) and 67.08.240.

AMENDATORY SECTION (Amending WSR 00-02-054, filed 12/31/99, effective 1/31/00)

WAC 36-13-040 Department inspector. (1) ~~((A department))~~ An inspector shall attend all wrestling events ((scheduled)). ((He will make sure)) The inspector shall ensure all participants are properly licensed and ((that)) all laws, rules, and regulations are enforced. Wrestling participants scheduled to work at an event shall provide proof of their identity by:

(a) Presenting picture identification to the inspector; and
(b) Signing their legal name that matches the picture identification on a form provided by the inspector.

~~(2) ((The inspector shall forward all reports and the gross revenue tax due from each event to the department office.~~

~~(3) Each))~~ Inspector, other than a department employee, shall receive ((for each event officially attended;)) a fee not to exceed two percent of the net gate of each event up to a maximum of four hundred dollars and a minimum of thirty-five dollars which shall be paid by the promoter.

AMENDATORY SECTION (Amending WSR 00-02-054, filed 12/31/99, effective 1/31/00)

WAC 36-13-050 ((Timekeepers and)) Announcers. ~~((Timekeepers and))~~ Nonparticipant announcers ((with)) who will not be actually engaged physically in the wrestling exhibition or show may be provided by the promoter and must be licensed with the department.

AMENDATORY SECTION (Amending WSR 00-02-054, filed 12/31/99, effective 1/31/00)

WAC 36-13-110 Miscellaneous provisions. (1) Dangerous conduct; punishment. The referee shall not permit physically dangerous conduct or tactics by any participant. Any participant who fails to discontinue such tactics, after being warned by the referee or a department official shall be disqualified and subject to disciplinary action.

(2) Wrestling participants or other licensees shall not engage in the practice known as "juicing." "Juicing" is the practice of using a razor blade or similar contrivance, or any other means to draw blood from oneself, one's opponent, or from any other participant of the wrestling exhibition or show. The referee shall immediately terminate any match in which blood from a participant appears from "juicing," and the participants shall cease the wrestling match and return to the dressing room. Should an accidental cut to a wrestling participant occur, the match may continue but should be concluded as soon as possible at the discretion of the referee.

(3) Duties of licensees. It shall be the duty of the promoter, his/her agents, employees, and the participants in any wrestling show or exhibition to maintain peace, order, and decency in the conduct of any show or exhibition. There shall

be no abuse of a department official at any time. Foul and profane language by participants is prohibited.

~~((3))~~ (4) Responsibility of promoter.

(a) Each promoter shall be directly responsible to the department for the conduct of its employees and any violation of the laws, rules, or regulations of the department by any employee of a promoter shall be deemed to be a violation by the promoter.

(b) Promoters are responsible for any violations of the law or department rules by their participants.

~~((4))~~ (5) Postponement or cancellation. A small advance sale of tickets shall not be regarded as a legitimate reason for a postponement or cancellation. Indoor wrestling shows or exhibitions shall not be canceled for any reason except with the approval of the department.

~~((5))~~ (6) Discrimination. Discrimination against any participant in regard to sex, race, color, creed or national origin shall be referred to the human rights commission.

~~((6))~~ (7) Appeals.

(a) Licensees may appeal any suspension or revocation to the department in the manner provided in chapter 34.05 RCW.

(b) Such appeals must be received in the department office within twenty days from the date of the notice sent by the department.

AMENDATORY SECTION (Amending WSR 00-02-054, filed 12/31/99, effective 1/31/00)

WAC 36-13-120 Application of brief adjudicative proceedings. The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether the department is proposing to deny an application to any applicant as defined in the Professional Athletics Act, chapter 67.08 RCW;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department; and

(3) Whether a license holder requesting renewal has not submitted all required information to meet minimum criteria for renewal ~~((; and~~

~~(4) Whether a license holder has been certified by a lending agency and reported to the department for nonpayment or default on a federally or state guaranteed educational loan or service conditional scholarship)).~~

AMENDATORY SECTION (Amending WSR 00-02-054, filed 12/31/99, effective 1/31/00)

WAC 36-13-130 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for an original or renewal license shall consist of:

(a) The application for the license, renewal, or approval and all associated documents;

(b) All documents relied upon by the department in proposing to deny the application, renewal, or approval; and
 (c) All correspondence between the applicant for license, renewal, or approval and the department regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

- (a) The previously issued final order or agreement;
- (b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;
- (c) All correspondence between the license holder and the department regarding compliance with the final order or agreement; and
- (d) All documents relied upon by the department showing that the license holder has failed to comply with the previously issued final order or agreement.

~~((3) The preliminary record with respect to the determination of nonpayment or default by the license holder on a federally or state guaranteed educational loan or service conditional scholarship shall consist of:~~

~~(a) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state guaranteed educational loan or service conditional scholarship; or~~

~~(b) A written release, if any, issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.)~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 36-13-060	Matches.
WAC 36-13-070	Tickets.
WAC 36-13-080	Contracts.
WAC 36-13-090	Records.
WAC 36-13-100	Buildings.

Chapter 36-14 WAC

PROFESSIONAL MARTIAL ARTS

NEW SECTION

WAC 36-14-105 Guidelines for kickboxing and Muay Thai weight classes—Weight difference and glove weight. The following guidelines shall be used for contests unless the department waives the weight difference allowance in writing. Glove weight shall be ten ounces for all weight classes.

Weight Class		Weight Difference Allowance
Flyweight	112 pounds to no minimum	not more than 3 lbs.

Super Flyweight	112.1 to 115 pounds	not more than 3 lbs.
Bantamweight	115.1 to 118 pounds	not more than 3 lbs.
Super Bantamweight	118.1 to 122 pounds	not more than 5 lbs.
Featherweight	122.1 to 126 pounds	not more than 5 lbs.
Super Featherweight	126.1 to 130 pounds	not more than 7 lbs.
Lightweight	130.1 to 135 pounds	not more than 7 lbs.
Super Lightweight	135.1 to 140 pounds	not more than 9 lbs.
Welterweight	140.1 to 147 pounds	not more than 9 lbs.
Super Welterweight	147.1 to 154 pounds	not more than 11 lbs.
Middleweight	154.1 to 160 pounds	not more than 11 lbs.
Super Middleweight	160.1 to 167 pounds	not more than 12 lbs.
Light Heavyweight	167.1 to 175 pounds	not more than 12 lbs.
Super Light Heavyweight	175.1 to 183 pounds	not more than 20 lbs.
Cruiserweight	183.1 to 190 pounds	not more than 20 lbs.
Heavyweight	190.1 to 220 pounds	no limit
Super Heavyweight	over 220.1 pounds	no limit

NEW SECTION

WAC 36-14-106 Weighing time. (1) Participants shall be weighed within twenty-four hours prior to the scheduled event, at a time and place chosen by the promoter and approved by the department. The weigh-in shall take place in the presence of the department and the promoter or the promoter's representative.

(2) The scales used for weigh-in shall be provided by the promoter and approved by the department.

(3) The weight of each participant shall be recorded on a form provided by the department and signed by the representative of the department.

(4) If a participant weighs-in within twenty-four hours, but not less than twelve hours prior to an event's scheduled start time, the participant shall weigh the weight specified on the boxer/promoter contract referred to in WAC 36-12-360(7). If a participant weighs more than the weight specified in the boxer/promoter contract, the participant may:

(a) Lose the weight exceeded in the boxer/promoter contract at least twelve hours prior to the event's scheduled start time;

(b) Lose all but two pounds of the weight exceeded in the boxer/promoter contract at least twelve hours prior to the event's scheduled start time and lose the final two pounds at least two hours prior to the event's scheduled start time;

(c) Renegotiate the boxer/promoter contract; or

(d) Not do (a) through (c) of this subsection and the contest will be canceled by the department.

(5) If a participant weighs-in less than twelve hours prior to an event's scheduled start time, the participant shall weigh the weight specified in the boxer/promoter contract referred to in WAC 36-12-360(7). If a participant weighs more than two pounds over the weight specified in the boxer/promoter contract, the participant may:

(a) Lose up to two pounds at least two hours prior to an event's scheduled start time;

(b) Renegotiate the boxer/promoter contract; or

(c) Not do (a) or (b) of this subsection and the contest will be canceled by the department.

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AMENDATORY SECTION (Amending WSR 00-02-054, filed 12/31/99, effective 1/31/00)

WAC 36-14-110 License fees, renewals and requirements. (1) The license year is one year from date of issue. License fees are paid annually. Fees shall be as follows:

Manager	-	\$	40.00
Referee	-	\$	15.00
Kickboxer	-	\$	15.00
Martial arts participant	-	\$	15.00
Matchmaker	-	\$	40.00
Second	-	\$	15.00
Inspector	-	\$	40.00
Judge	-	\$	40.00
Timekeeper	-	\$	40.00
Announcer	-	\$	40.00
Event physician	-	\$	40.00
<u>Event chiropractor</u>	=	\$	<u>40.00</u>
Promoter	-	\$	50.00

(2) All renewal fees shall be the same fee as each original license fee.

(3) Licensing requirements:

(a) Completed application on form approved by the department.

(b) Completed physical within one year (kickboxer, martial arts participant and referee only).

(c) One small current photograph, not more than two years old (kickboxer and martial arts participant only).

(d) Payment of license fee.

(e) Certification from an organization approved by the department under RCW 67.08.100(3).

(4) Applicants may not participate until all licensing requirements are received and approved by the department of licensing.

NEW SECTION

WAC 36-14-120 Officials compensation fees to be paid by promoter. (1) The following minimum fees shall be

Officials fees (minimums)	Judges	Timekeepers	Referee	Physician	Event chiropractor
If total purse is up to \$100,000	\$1,000	\$600	\$1,200	\$700	\$500
\$100,000 to \$300,000	\$1,100	\$700	\$1,500	\$800	\$600
\$300,001 to \$1,000,000	\$1,800	\$800	\$2,500	\$900	\$700
\$1,000,001 to \$5,000,000	\$2,500	\$900	\$3,000	\$1,000	\$800
Over \$5 million	\$4,500	\$1,000	\$7,500	\$1,500	\$1,000

(6) Travel mileage shall be paid to event officials at the rate listed on schedule A, chapter 10.90.10.b of the *State Administrative and Accounting Manual* as published by the office of financial management.

paid by the promoter of the event to the event officials for nontitle, nontelevised bouts:

Judge	\$75.00
Timekeeper	\$75.00
Referee (preliminary)	\$110.00
Referee (main event)	\$125.00
Physician	\$250.00
Event chiropractor	\$200.00

(2) The following minimum fees shall be paid by the promoter of the event to event officials for nontitle, televised bouts:

Judges	\$100.00
Timekeepers	\$100.00
Referee (preliminary)	\$135.00
Referee (main event)	\$200.00
Physician	\$250.00
Event chiropractor	\$200.00

(3) In the event of a local, state or regional championship, title fight, or televised fight, event officials shall be paid by the promoter at the respective and prevailing scale of the sponsoring organization. The event officials pay rate shall not be lower than the televised rate established in subsection (2) of this section.

(4) In the event of a championship, title fight, or nationally televised fight, event officials shall be paid by the promoter at the respective and prevailing scale of the sponsoring organization but shall not be lower than the rates established below:

Judges	\$400.00
Timekeepers	\$250.00
Referee (preliminary)	\$450.00
Referee (main event)	\$500.00
Physician	\$300.00
Event chiropractor	\$250.00

(5) In the event of a "world" title bout, the following minimum fees shall be paid by the promoter of the event to event officials:

AMENDATORY SECTION (Amending WSR 00-02-054, filed 12/31/99, effective 1/31/00)

WAC 36-14-400 Application of brief adjudicative proceedings. The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will

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be limited to a determination of one or more of the following issues:

- (1) Whether the department is proposing to deny an application to any applicant as defined in the Professional Athletics Act, chapter 67.08 RCW;
- (2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department;
- (3) Whether a license holder requesting renewal has not submitted all required information to meet minimum criteria for renewal(, and
- ~~(4) Whether a license holder has been certified by a lending agency and reported to the department for nonpayment or default on a federally or state guaranteed educational loan or service conditional scholarship)).~~

AMENDATORY SECTION (Amending WSR 00-02-054, filed 12/31/99, effective 1/31/00)

WAC 36-14-410 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for an original or renewal license shall consist of:

- (a) The application for the license, renewal, or approval and all associated documents;
 - (b) All documents relied upon by the department in proposing to deny the application, renewal, or approval; and
 - (c) All correspondence between the applicant for license, renewal, or approval and the department regarding the application.
- (2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:
- (a) The previously issued final order or agreement;
 - (b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;
 - (c) All correspondence between the license holder and the department regarding compliance with the final order or agreement; and
 - (d) All documents relied upon by the department showing that the license holder has failed to comply with the previously issued final order or agreement.

~~((3) The preliminary record with respect to the determination of nonpayment or default by the license holder on a federally or state guaranteed educational loan or service conditional scholarship shall consist of:~~

- ~~(a) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state guaranteed educational loan or service conditional scholarship; or~~
- ~~(b) A written release, if any, issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.))~~

WSR 02-16-061

PROPOSED RULES

**DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Health and Rehabilitative Services Administration)

[Filed August 2, 2002, 3:31 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-22-057.

Title of Rule: New chapter 388-826 WAC, Voluntary placement program.

Purpose: The purpose of proposed new chapter 388-826 WAC is to describe the voluntary placement program in the Division of Developmental Disabilities and clarify who participates, how participation may occur, and the responsibilities for overall program management.

Statutory Authority for Adoption: RCW 74.13.350, Title 71A RCW.

Statute Being Implemented: RCW 74.13.350, 71A.12.-030.

Summary: The rules define participation, out-of-home placement, voluntary agreement and the manner in which children and youth might be served in this program when they meet the definition of developmental disabilities as defined in RCW 71A.12.030. The rules define certain key terms, set criteria for determining when out-of-home is appropriate; describe the process for out-of-home placement; and the roles and responsibilities of birth/adoptive parents and foster parents.

Reasons Supporting Proposal: The rules guide the policies and procedures for program management.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Linda Gil, DSHS/DDD, P.O. Box 45310, Office Building 2, Olympia, WA 98504-5310, (360) 902-8440.

Name of Proponent: DSHS/DDD, Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of proposed new chapter 388-826 WAC is to provide definitions of program components regarding who may be involved in the voluntary placement program. The proposed rules include the responsibilities and conditions of program participation.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. While this WAC chapter clarifies the way in which children may be cared for in licensed foster care homes and group care settings, the proposed WAC will not impose new or additional costs to any licensed setting that might operate as a small business.

RCW 34.05.328 applies to this rule adoption. The department has determined that the proposed rules meet the definition of "significant legislative rules" per RCW 34.05.328. A cost-benefit analysis has been prepared and is available by contacting the person listed above.

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Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on September 24, 2002, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by September 6, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail FernaaX@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernaaX@dshs.wa.gov, by 5:00 p.m., September 24, 2002.

Date of Intended Adoption: Not earlier than September 25, 2002.

July 21, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 02-17 issue of the Register.

WSR 02-16-067
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed August 5, 2002, 9:53 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-12-095.

Title of Rule: Chapter 308-61 WAC, Unauthorized and abandoned vehicles.

Purpose: Further review of current rules to ensure necessity, effectiveness, efficiency, clarity, intent, coordination with other jurisdictions and agencies, cost benefits and fairness in accordance with Governor's Executive Order 97-02.

Statutory Authority for Adoption: RCW 46.55.190.

Summary: Review of current rules governing registered tow truck operators.

Reasons Supporting Proposal: Governor's Executive Order 97-02 for WAC review.

Name of Agency Personnel Responsible for Drafting and Implementation: Chuck Coach, Olympia, Washington, (360) 664-6453; and Enforcement: Myke Gable, Olympia, Washington, (360) 664-6451.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Review of WAC governing registered tow truck operators and the rules for the towing and impoundment of abandoned vehicles.

Proposal Changes the Following Existing Rules: Several sections are changed in light of the review for necessity, effectiveness, clarity, intent, coordination with other agencies, cost benefits and fairness. The use of concertina wire may be substituted for barbed wire along the secure area fence, storage with an enclosed building will be considered secure with no waiver required, the notice of custody and sale prescribed by the department must be sent to lessors and les-

sees in addition to registered and legal owners, a copy of the twenty-four hour impound notice to law enforcement will be required in the records, and the department may require an inspection by the appropriate law enforcement agency not necessarily the Washington State Patrol.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposal does not impose additional duties on the registered tow truck operator industry.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Dealer and Manufacturer Services, Department of Licensing, 2000 West 4th, Black Lake Building 3, Olympia, WA 98502, on September 10, 2002, at 10:30 a.m.

Assistance for Persons with Disabilities: Contact Linda Mason by September 9, 2002, TDD (360) 664-8885 or (360) 664-6455.

Submit Written Comments to: Gail Saul, Dealer Services, P.O. Box 9039, Olympia, WA 98507, fax (360) 586-6703, by September 4, 2002.

Date of Intended Adoption: September 24, 2002.

July 17, 2002

G. A. McDougall
Deputy Director
for Fred Stephens
Director

AMENDATORY SECTION (Amending WSR 00-01-058, filed 12/10/99, effective 1/10/00)

WAC 308-61-026 Definitions—Registered tow truck operator. (1) "Affidavit of sale" - that document prescribed by the department and given to the successful bidder by the operator. The affidavit (~~shall~~) must state that the sale was conducted properly pursuant to chapter 46.55 RCW and must be notarized. The affidavit may be submitted to the department with an application for certificate of title or may be used as a title document by a licensed auto wrecker, hulk hauler or scrap processor.

(2) "Secure area" - a place of safety for vehicle storage and in an area completely enclosed by a fence of sufficient height and construction to prevent access by the general public, with a gate which can be locked. The fence (~~shall~~) must be at least six feet high with at least two strands of barbed wire along the top, for a total combined height of eight feet or more(~~, provided, however, that~~). Concertina wire can be substituted for the two strands of barbed wire. The fencing requirement may be waived by the department where, due to the topography or zoning, a fence would be impracticable and the storage area is secure without a fence. Storage within an enclosed building will be considered secure and does not require a waiver. When a licensee has operator registrations under more than one name and owns or leases a common secure area, the areas for each operator registration must be segregated by a six-foot fence which will not require barbed wire. When two or more operators with different ownership share a secured area, those respective areas must be segregated by an eight-foot fence as described above.

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Wherever practicable secure storage areas will be located on improved property which is graded and illuminated at night for the safe keeping of stored vehicles.

(3) "Abandoned vehicle report" - is that document, prescribed by the department, by which the operator is to report to the department ((his/her)) their possession of an abandoned vehicle.

(4) "Notice of custody and sale" - is that document, prescribed by the department, and sent by the operator to the registered owner, legal owner (lien holder), lessor and lessee giving notice of the amount of the operator's lien for services, place and time of public auction if the vehicle is not redeemed, and of the operator's right to seek a deficiency against the last registered owner.

(5) "Registered tow truck operator's business location" - is a location at which records and files necessary to conduct the business are kept, and where the operator can normally be contacted by the public.

AMENDATORY SECTION (Amending WSR 00-01-058, filed 12/10/99, effective 1/10/00)

WAC 308-61-105 Application. What information must be included in an application for registration of a tow truck operator? The application for registration of a tow truck operator ((shall)) must include:

- (1) A statement as to whether the applicant has previously been registered as such, and if so, the previous registration number and business name.
- (2) A current listing of the towing and storage rates of the operator on a form prescribed by the department.
- (3) A certification from the zoning authority of jurisdiction that the licensee is in compliance with any land use ordinances.

AMENDATORY SECTION (Amending WSR 00-01-058, filed 12/10/99, effective 1/10/00)

WAC 308-61-108 Miscellaneous licensing provisions.

- (1) Staggered licensing - the annual registration issued to tow truck operators shall expire on the date indicated by the director.
- (2) Additional secure areas for vehicle storage - additional storage locations may be operated under one registration. No additional bond or insurance will be required for such premises so long as each is covered by the bond and insurance.

(3) If an operator has more than one registered business location, storage areas for each business location must be listed with the department under its registration.

(4) (~~((Change of name and/or address--))~~) The department ((shall)) must be notified immediately, on a form provided by the department, of any change of name and/or address of any business location or of the addition of any location.

(5) (~~((Changes of ownership--))~~) Any change of partners or of corporate officers ((shall)) or members of limited liability companies must be immediately reported to the department in writing. A complete change in ownership requires a new registration except in the case of a corporation or a limited liability company.

(6) An insurer ((shall)) must notify the department at least 10 days prior to cancellation of a policy. Following receipt of such notification the department ((shall)) must notify the registered tow truck operator by ordinary mail of the effective date of the insurance cancellation and that cancellation of the required insurance cancels the operator's registration pursuant to RCW 46.55.030 (3)(b). This notice to the operator shall not affect the cancellation of the registration.

(7) For purposes of RCW 46.55.220, it shall not be necessary to hold a hearing to refuse a registration unless such a hearing is requested.

AMENDATORY SECTION (Amending WSR 00-01-058, filed 12/10/99, effective 1/10/00)

WAC 308-61-115 Identification of licensee's vehicles. How must a registered tow truck operator identify its vehicles?

(1) All tow vehicles to be used in the operator's business which are operated on the public highways, ((shall)) must display the licensee's operator number plus the truck number, name, city of address and current business telephone number. Such information ((shall)) must be painted or permanently affixed to both sides of the vehicle. Each letter and numeral ((shall)) must be made with at least a half-inch stroke for the width and ((shall)) must be at least three inches high. See sample:



(2) The annual tow truck permit will be a paper cab card identifying the tow truck as well as indicating the class of truck and the registered tow truck operator.

AMENDATORY SECTION (Amending WSR 00-01-058, filed 12/10/99, effective 1/10/00)

WAC 308-61-125 Business hours. What business hours must a registered tow truck operator maintain?

(1) Business hours, for purposes of inspection of business records, place of business or towing equipment, ((shall)) must be 8:00 a.m. to 5:00 p.m. except for weekends and holidays. Normal business hours ((shall)) must be posted at the operator's place of business.

(2) Whenever an operator is not open for business and does not have personnel present at the licensed location, the operator ((shall)) must post a phone number at that location for purposes of public contact for release of vehicles and/or personal property. An operator ((shall)) must maintain personnel who can be contacted 24 hours a day to release impounded vehicles within a 60 minute period of time.

(3) Personal property ((shall)) must be released without charge between the hours of 8:00 a.m. and 5:00 p.m., excepting weekends and holidays.

AMENDATORY SECTION (Amending WSR 00-01-058, filed 12/10/99, effective 1/10/00)

WAC 308-61-135 Miscellaneous provisions. (1) The properly executed written authority to tow or other evidence of lawful possession shall suffice in lieu of current license plates or trip permits for unauthorized or abandoned vehicles.

(2) Billing invoices ((~~shall~~)) must indicate the time of day when an unauthorized or abandoned vehicle arrived at the secure storage area.

(3) A seller's report of sale properly filed with the department on a form prescribed by the department shall relieve a registered owner from liability for costs incurred in the removal and storage of an unauthorized/abandoned vehicle, in addition to relieving that person from other liability pursuant to RCW 46.12.101.

(4) The junk vehicle affidavit of sale as described in RCW 46.55.230 may be used to sell a vehicle to a licensed hulk hauler, scrap processor, vehicle wrecking yard or it may be used as a supporting document for issuance of a title.

(5) A stored vehicle may be redeemed any time before the start of auctioning of that particular vehicle.

(6) The notification to be sent by first-class mail within twenty-four hours after the impound must be sent to any lessor or lessee, as well as to the last known registered and legal owner (lien holder) of the vehicle.

(7) The written notice of the right of redemption and opportunity for a hearing to contest the validity of an impoundment, to be sent with the twenty-four hour impoundment notice on an unauthorized vehicle impoundment, ((~~shall~~)) must be separate and in addition to the notice of opportunity for a hearing given to those who redeem vehicles.

((~~7~~)) (8) As the record required in RCW 46.05.150(2) the registered tow truck operator must keep a copy of its twenty-four-hour impound notice to law enforcement.

(9) Information contained in the master log ((~~shall~~)) must include:

- (a) The dates of impound and release of vehicles;
- (b) Storage lot used if multiple lots;
- (c) If impound was from public or from private property and the location where the vehicle was impounded;
- (d) Identity of vehicle by year, make, model, license number, and vehicle identification number;
- (e) Dates of all required notices to law enforcement and to vehicle owners;
- (f) Date of auction advertisement and of auction;
- (g) Amount of towing and storage lien;
- (h) Amount of auction proceeds;
- (i) Amount of surplus funds.

Entries on the master log must be made within seventy-two hours following the activity being logged.

AMENDATORY SECTION (Amending WSR 00-01-058, filed 12/10/99, effective 1/10/00)

WAC 308-61-145 Specifications and posting of signs. How is the posting of signs on private and public property handled?

(1) Signs ((~~shall~~)) must measure at least 15" by 24" and the lettering thereon ((~~shall~~)) must be clearly visible to all who park.

(2) Signs for publicly owned or controlled parking facilities need to disclose that unauthorized vehicles will be impounded and must also disclose a phone number for redeeming a vehicle. If a registered tow truck operator is used, the signs ((~~shall~~)) must meet the same requirements as in the posting of private nonresidential property.

AMENDATORY SECTION (Amending WSR 00-01-058, filed 12/10/99, effective 1/10/00)

WAC 308-61-158 Storage of vehicles. How ((~~shall~~)) must the registered tow truck operator handle stored vehicles?

(1) Handling and returning vehicles in substantially the same condition means that vehicles are to be handled with care so that their value is not diminished. The operator ((~~shall~~)) must not remove parts or equipment which are affixed to the vehicle.

(2) A vehicle being held for storage by agreement or being held under police authority, other than a suspended license impound, or pursuant to a writ or court order shall not be considered abandoned, nor shall it be processed as such. Any storage fees accrued while under agreement or under police hold, other than a suspended license impound, or pursuant to a writ or court order, shall not be included in the abandoned vehicle lien. Upon the expiration of a storage agreement, the lifting of a police hold other than a suspended license impound, or when the writ or court order is no longer in effect, the operator ((~~shall~~)) must begin the unauthorized abandoned vehicle processing, including the notification to vehicle owners by first class mail within twenty-four hours.

(3) When vehicles are stored pursuant to a writ or court order, the operator ((~~shall~~)) must keep evidence of the inception and termination dates of the writ or court order in the vehicle transaction file.

(4) When a vehicle is being held pursuant to a suspended license impound, and the vehicle is not redeemed even after the payment of a security deposit, and upon expiration of the hold, the operator ((~~shall~~)) must send the notice provided in RCW 46.55.110(2) and schedule its auction accordingly.

(5) Vehicles in the custody of an operator ((~~shall~~)) must be kept entirely within a secure area owned or operated under that registration.

(6) An operator ((~~shall~~)) must not charge for relocating vehicles between separate secure storage areas which he/she owns or operates.

AMENDATORY SECTION (Amending WSR 00-01-058, filed 12/10/99, effective 1/10/00)

WAC 308-61-168 Disputed impound. What should the registered tow truck operator do when a court hearing has been requested?

(1) Where a timely request has been made for a district or municipal court hearing and where the vehicle owner has failed to redeem the vehicle, the abandoned vehicle procedural requirements may be followed, but the sale of the vehi-

cle at public auction ((shall)) must not take place until after the court has disposed of the request.

(2) The administrative hearings officer, provided in RCW 46.55.240 (1)(d), shall mean a hearings officer authorized by ordinance or resolution of a city, town or county for the purpose of conducting hearings on disputed vehicle impound cases.

(3) Operators ((shall)) must maintain a trust account solely for the deposit of funds received pending the disposition of any district court hearing requests.

AMENDATORY SECTION (Amending WSR 00-01-058, filed 12/10/99, effective 1/10/00)

WAC 308-61-175 Procedures for selling vehicles.

How should a registered tow truck operator properly identify a vehicle in its custody and prepare for a vehicle auction?

(1) For purposes of advertising the sale of abandoned vehicles the vehicle identification number ((shall)) must be used if no license plates are on the vehicle.

(2) A newspaper of general circulation in the county shall mean a newspaper which is one of three with the largest circulation in the county where the sale will be conducted. The publisher need not reside in that same county.

(3) If a vehicle in the custody of an operator is not identifiable, including no license plates or registration, the operator ((shall)) must conduct an examination of the vehicle only to determine its make, model, year and vehicle identification number which ((shall)) must be included on the abandoned vehicle report to the department.

(4) If the department cannot provide owner information on a vehicle after the operator submits an abandoned vehicle report, the operator may then inspect the vehicle as permitted in RCW 46.55.100(5) to determine whether owner information is within the vehicle.

(5) Upon inspection of the vehicle as provided in subsection (4) of this section the operator may return the original abandoned vehicle report with additional information from the inspection of the vehicle to assist the department in providing owner information.

(6) The department may require an inspection by the ((Washington state patrol)) appropriate law enforcement agency to verify the vehicle identification number of an unidentified vehicle. All such information ((shall)) must be reported to the department, which will communicate with such other states as may be necessary to determine whether the registered and legal owner information is available for the vehicle.

(7) After all reasonable efforts to obtain the owner information have proved unsuccessful, the vehicle may be disposed of in accordance with all procedures except that the notification to the registered and legal owners by certified or registered mail may be omitted. A record of all steps taken to locate the owner(s) of the vehicle ((shall)) must be kept by the operator for a period of three years.

(8) If the operator elects to bid at auction, that bid must be disclosed as such, and ((shall)) must not merely be an effort to set a minimum for other bids. If an operator is the successful bidder and the bid exceeds the lien for towing and storage, the surplus funds ((shall)) must be remitted to the

department just as in any other sale. The operator cannot elect to retain a vehicle at auction because the operator feels that the bidding is insufficient.

(9) The three-hour public viewing period required in RCW 46.55.130(1) ((shall)) must be held at all times during daylight hours.

(10) Auctions may be held on Saturdays or Sundays which are not legal holidays.

AMENDATORY SECTION (Amending WSR 00-01-058, filed 12/10/99, effective 1/10/00)

WAC 308-61-190 After sale. What documentation follows the abandoned vehicle auction and who may claim surplus auction funds?

(1) Following the auction of an abandoned vehicle the operator ((shall)) must give to the successful bidder an affidavit of sale, as defined, which ((shall)) must disclose the amount of the lien and the amount of the successful bid. The public auction shall terminate the ownership interest of prior owners, both registered owners and legal owners.

(2) The following guidelines shall apply in establishing a valid claim for surplus funds which have been remitted to the state as the result of the auctioning of abandoned vehicles pursuant to RCW 46.55.130 (2)(h):

(a) The claiming individual ((shall)) must show reasonable proof of ((his/her)) their identity and the claim ((shall)) must be in writing and ((shall)) must be notarized.

(b) The claimant must have been the registered owner of the vehicle as reflected in the records of the department of licensing at the time the vehicle was auctioned. The person indicated as purchaser on a seller's report of sale, pursuant to RCW 46.12.101, will be considered the registered owner of record for purposes of this section.

(c) Any person whose claim is denied by the state shall have the opportunity to request a departmental hearing as provided in chapter 34.05 RCW.

(3) The fifteen-day title transfer requirement provided for in RCW 46.55.130 (2)(f) shall not apply to properly licensed hulk haulers, scrap processors, and wreckers who have acquired the vehicle for salvage purposes in accordance with chapters 46.79 and 46.80 RCW.

WSR 02-16-079

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed August 6, 2002, 12:50 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-10-139.

Title of Rule: New WAC 388-543-1225 Provider requirements.

Purpose: The department is establishing a new section in chapter 388-543 WAC to establish specific requirements for providers who furnish items under the department's durable

medical equipment program. The new section includes cross-references to general documentation and record retention requirements in chapter 388-502 WAC; requires that providers be able to furnish proof of delivery of an item to a client when that item is mailed directly or shipped; requires that providers obtain prior authorization from MAA before shipping an item that requires such; and ensures there is no conflict of interest by requiring that the medical professional who provides medical justification to MAA or who performs a client evaluation not be employed by or have any financial arrangement with the provider of the item(s). The rules are necessary to ensure providers maintain adequate documentation of items provided to clients; this will assist the department's utilization reviews, which contributes to the maintenance of fiscal responsibility.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.530.

Statute Being Implemented: RCW 74.08.090, 74.09.530, 74.09.290.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Ann Myers, Rules and Publications, P.O. Box 45533, Olympia, WA 98504, (360) 725-1345; Implementation and Enforcement: Sharon Morrison, Quality Utilization, P.O. Box 45506, Olympia, WA 98504, (360) 725-1671.

Name of Proponent: Department of Social and Health Services, Medical Assistance Administration, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The department is establishing a new section in chapter 388-543 WAC to establish specific requirements for providers who furnish items under the department's durable medical equipment program. The new section includes cross-references to general documentation and record retention requirements in chapter 388-502 WAC; requires that providers be able to furnish proof of delivery of an item to a client when that item is mailed directly or shipped; requires that providers obtain prior authorization from MAA before shipping an item that requires such; and ensures there is no conflict of interest by requiring that the medical professional who provides medical justification to MAA or who performs a client evaluation not be employed by or have any financial arrangement with the provider of the item(s).

The rules are necessary to ensure providers maintain adequate documentation of items provided to clients; this will assist in the department's utilization reviews, which contribute to the maintenance of fiscal responsibility.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the rule and concludes that it will have no more than a minor impact on the small businesses affected by it.

RCW 34.05.328 applies to this rule adoption. The department has analyzed the proposed rule and concludes that it meets the definition of a "significant legislative rule." An analysis of the probable costs and probable benefits is available from the person listed above.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on September 10, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by September 6, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail FernaAX@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernax@dshs.wa.gov by 5:00 p.m., September 10, 2002.

Date of Intended Adoption: Not before September 11, 2002.

August 2, 2002

Bonnie Jacques

for Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-543-1225 Provider requirements. (1) Providers and suppliers of durable medical equipment (DME) and related supplies, prosthetics and orthotics, medical supplies and related items must meet the general provider documentation and record retention requirements in WAC 388-502-0020. In addition to these requirements, the medical assistance administration (MAA) requires providers to furnish, upon request, documentation of proof of delivery as stated in subsections (2) and (3) of this section.

(2) When a provider delivers an item directly to the client or the client's authorized representative, all of the following apply:

(a) A delivery slip is required and must:

(i) Be signed and dated by the client or the client's authorized representative (the date of signature must be the date the item was received); and

(ii) Include the client's name and a detailed description of the item(s) delivered, including the quantity, brand name, and serial number.

(b) When the provider or supplier submits a claim for payment to MAA, the date of service on the claim must be one of the following:

(i) For a one-time delivery, the date the item was received by the client or authorized representative; or

(ii) For nondurable medical supplies for which MAA has established a monthly maximum, on or after the date the item was received by the client or authorized representative.

(3) When a provider uses a delivery/shipping service to deliver items which are not fitted to the client, the provider must be able to furnish proof of delivery that the client received the equipment (e.g., a shipping invoice signed by the client or the client's representative).

(4) A provider must not use a delivery/shipping service to deliver items which must be fitted to the client.

(5) Providers must obtain prior authorization on any item that requires such before delivering that item to the client. The item must be delivered to the client before the provider bills MAA.

(6) MAA does not pay for DME and related supplies, prosthetics and orthotics, medical supplies and related items furnished to MAA clients when:

(a) The medical professional who provides medical justification to MAA for the item provided to the client is an employee of, has a contract with, or has any financial relationship with the provider of the item; or

(b) The medical professional who performs a client evaluation is an employee of, has a contract with, or has any financial relationship with a provider of DME and related supplies, prosthetics and orthotics, medical supplies, and related items.

(7) See WAC 388-502-0100, 388-502-0110, 388-502-0120, and 388-502-0130 for provider payment requirements.

(8) See WAC 388-502-0150 and 388-502-0160 for provider billing requirements.

(9) See WAC 388-502-0220, 388-502-0230, 388-502-0240, and 388-502-0260 for provider appeal requirements.

WSR 02-16-080

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Adult Services Administration)

[Filed August 6, 2002, 12:52 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-04-096.

Title of Rule: **Amending and moving subject matter from the following rules into chapter 388-71 WAC:** WAC 388-15-194 Home and community services, 388-15-202 Long-term care services, 388-15-203 Long-term care services—Assessment of task self-performance and determination of required assistance, and 388-15-205 Long-term care services—Service plan development. **Amending to clarify that a reassessment is required as a condition for continued HCS program eligibility:** WAC 388-71-0430 Am I eligible for one of the HCP programs? and 388-71-450 How do I remain eligible for services? **Updating cross-references within:** WAC 388-71-0410, 388-71-0435, 388-71-0440, 388-71-0445, 388-71-0500, 388-71-0515, 388-71-0600, 388-76-540, and 388-110-020. **Repealing obsolete or redundant rules:** WAC 388-15-194, 388-15-202, 388-15-203, 388-15-204, 388-15-205, 388-110-210, 388-110-230, and 388-110-250.

Purpose: To (1) amend and move remaining home and community services rules in chapter 388-15 WAC into chapter 388-71 WAC; (2) clarify that the requirement of an in-home assessment applies to all recipients of services through the COPES (community options program entry system), MPC (Medicaid personal care), and chore programs; (3) update WAC and RCW cross-references in other HCS rules; and (4) repeal rules in chapters 388-15 and 388-110 WAC that are now obsolete or redundant.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520, and 74.39A.090.

Statute Being Implemented: RCW 74.39A.090.

Summary: See Purpose above and Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kristi Olson, AASA, 640 Woodland Square Loop, P.O. Box 45600, Olympia, WA 98505-5600 [98504-5600], (360) 725-2537.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rules will clarify that the requirement of an in-home assessment applies to all recipients of services through the COPES, MPC, and chore programs. Adoption of new WAC 388-71-194, 388-71-202, 388-71-203, and 388-71-205 will place all home and community services (HCS) program rules into one chapter of Title 388 WAC.

Proposal Changes the Following Existing Rules: **The following HCS rules have been revised to clarify language and are being proposed as new rules in chapter 388-71 WAC:** WAC 388-15-194 (proposed as new WAC 388-71-194), 388-15-202 (proposed as new WAC 388-71-202), 388-15-203 (proposed as new WAC 388-71-203), 388-15-205 (proposed as new WAC 388-71-205).

These proposed rules clarify that a reassessment is required to remain eligible for HCS services: WAC 388-71-0430 Am I eligible for one of the HCP programs? and 388-71-450 How do I remain eligible for services?

These proposed rules update cross-references within: WAC 388-71-0410, 388-71-0435, 388-71-0440, 388-71-0445, 388-71-0500, 388-71-0515, 388-71-0600, 388-76-540 and 388-110-020, to clarify cross-references to other WAC.

The department also proposes to repeal: WAC 388-15-194, 388-15-202, 388-15-203, 388-15-204, 388-15-205, 388-110-210, 388-110-230, and 388-110-250. The subject matter in these rules will be redundant or obsolete.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules will clarify that the requirement of an in-home assessment applies to all recipients of services through the COPES, MPC, and chore programs, and therefore affect only department clients who may be eligible for these services. The proposed rules will not impact small businesses.

RCW 34.05.328 applies to this rule adoption. Rules do meet the definition of "significant legislative rule," but the department is exempt from preparing a cost benefit analysis under RCW 34.05.328 (5)(b)(vii), "Rules of the Department of Social and Health Services relating only to client medical or financial eligibility..." The proposed rules clarify that a reassessment is required to remain eligible for COPES, MPC and chore services.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on September 24, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by September 20, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., September 24, 2002.

Date of Intended Adoption: Not earlier than September 25, 2002.

July 30, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 02-17 issue of the Register.

WSR 02-16-081
PROPOSED RULES
PARKS AND RECREATION
COMMISSION

[Filed August 6, 2002, 12:54 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-01-081.

Title of Rule: Amend rules in chapter 352-32 WAC, Public use of state park areas, specifically WAC 352-32-010 Definitions and 352-32-250 Standard fees charged.

Purpose: The state Parks and Recreation Commission intends to permanently adopt a vehicle parking permit program by amending rules in chapter 352-32 WAC, Public use of state park areas.

Other Identifying Information: Emergency amendments to chapter 352-32 WAC were filed as WSR 02-14-014.

Statutory Authority for Adoption: RCW 79A.05.030, 79A.05.065, 79A.05.070, and 79A.05.075.

Statute Being Implemented: RCW 79A.05.070 Further powers—Director of parks and recreation—Salaries.

Summary: The commission intends to permanently adopt a vehicle parking permit program, which includes daily, multiple day and annual permits, required for vehicle parking. The commission intends to delegate to the director or designee, the authority to designate those state parks where parking permits are required, to publish a fee schedule identifying those parks where the parking permits are required and to prescribe the specific details and manner in which the fees are applied.

Reasons Supporting Proposal: Due to reductions in the commission's operating budget made by the Washington state legislature, the commission has determined that it is necessary to generate additional operating revenue at specific state parks to enable the parks to remain open. The specific state parks are those where the [they are] leased from other governmental agencies and managed as state parks. In addition, there are specific state parks in the vicinity of these lease-managed parks where a vehicle parking permit will be required. Other state parks may be added at the discretion of the director. A vehicle parking permit program, which includes daily, multiple day and annual permits required for vehicle parking were implemented through emergency rule

making in June 2002. The commission intends to adopt the vehicle parking permit program as permanent.

Name of Agency Personnel Responsible for Drafting: Jim French, 7219 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650, (360) 586-6607; Implementation: Rita Cooper, 7219 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650, (360) 586-6606; and Enforcement: Phil Shave, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650, (360) 902-8635.

Name of Proponent: Washington State Parks and Recreation Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The state Parks and Recreation Commission has determined that it is necessary to generate additional revenue at specific state parks to enable the parks to remain open in response to reduced funding by the state legislature. The specific state parks are those where the land is owned by other governmental agencies and leased and managed as state parks. In addition, there are specific state parks in the vicinity of these lease-managed parks where a vehicle parking permit will be required. Other state parks may be added at the discretion of the director.

A vehicle parking permit program, which includes daily, multiple day and an annual permit required for vehicle parking was adopted through emergency rule making in June 2002. The commission is evaluating the implementation of the vehicle parking permit program and intends to adopt the vehicle parking permit program as permanent, based on the success of the emergency rule-making action.

It is anticipated that the vehicle parking permit program will generate sufficient revenue at those parks where it is being implemented to support the continued operation of the parks, and thereby avoid closure to the public.

Proposal Changes the Following Existing Rules: WAC 352-32-010 Definitions, is to be amended to provide a definition of vehicle parking permit.

WAC 352-32-250 Standard fees, is to be amended to authorize the director of Washington state parks to prescribe the exact manner and details in which fees shall be applied and to create the provisions and applications of the vehicle parking permit.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This chapter of administrative rule does not regulate or have economic impact through regulations on small business. There are no compliance costs to small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Significant legislative rule-making requirements are not imposed on the state Parks and Recreation Commission, nor has the commission voluntarily applied those requirements.

Hearing Location: The public hearing will occur during the regularly scheduled Washington State Parks and Recreation Commission meeting at the West Coast Olympia Hotel, 2300 Evergreen Park Drive, Olympia, WA 98502, on September 12, 2002, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Renee Pacana at (360) 902-8505, by August 29, 2002, TDD (360) 664-3133 or (360) 902-8505.

Submit Written Comments to: Washington State Parks, Attention: Rita Cooper, 7219 Cleanwater Lane, Building #17, P.O. Box 42650, Olympia, WA 98504-2650.

Date of Intended Adoption: September 12, 2002.

August 6, 2002

Jim French, Chief

Policy Research and

Program Development

AMENDATORY SECTION (Amending WSR 00-13-070, filed 6/16/00, effective 7/17/00)

WAC 352-32-010 Definitions. Whenever used in this chapter the following terms shall be defined as herein indicated:

"Aquatic facility" shall mean any structure or area within a state park designated by the director or designee for aquatic activities, including, but not limited to, swimming pools, wading pools, swimming beaches, floats, docks, ramps, piers or underwater parks.

"Bivouac" shall mean to camp overnight on a vertical rock climbing route on a ledge or in a hammock sling.

"Camping" shall mean erecting a tent or shelter or arranging bedding, or both, or parking a recreation vehicle or other vehicle for the purpose of remaining overnight.

"Camping party" shall mean an individual or a group of people (two or more persons) that is organized, equipped and capable of sustaining its own camping activity. A "camping party" is a "camping unit" for purposes of RCW 79A.05.065.

"Commercial recreation use" is a recreational activity in a state park that is packaged and sold as a service by an organization or individual, other than state parks or a state park concessionaire.

"Commercial recreation provider" is any individual or organization that packages and sells a service that meets the definition of a commercial recreation use.

"Commission" shall mean the Washington state parks and recreation commission.

"Conference center" shall mean a state park facility designated as such by the director or designee that provides specialized services, day-use and overnight accommodations available by reservation for organized group activities.

"Day area parking space" shall mean any designated parking space within any state park area designated for daytime vehicle parking.

"Director" shall mean the director of the Washington state parks and recreation commission or the director's designee.

"Disrobe" shall mean to undress so as to appear nude.

"Emergency area" is an area in the park separate from the designated overnight camping area, which the park manager decides may be used for camping when no alternative camping facilities are available within reasonable driving distances.

"Environmental interpretation" shall mean the provision of services, materials, publications and/or facilities, including

environmental learning centers (ELC), for other than basic access to parks and individual camping, picnicking, and boating in parks, that enhance public understanding, appreciation and enjoyment of the state's natural and cultural heritage through agency directed or self-learning activities.

"Environmental learning centers (ELC)" shall mean those specialized facilities, designated by the director, designed to promote outdoor recreation experiences and environmental education in a range of state park settings.

"Extra vehicle" shall mean each additional unhitched vehicle in excess of the one recreational vehicle that will be parked in a designated campsite or parking area for overnight.

"Group" shall mean 20 or more people engaged together in an activity.

"Group camping areas" are designated areas usually primitive with minimal utilities and site amenities and are for the use of organized groups. Facilities and extent of development vary from park to park.

"Hiker/biker campsite" shall mean a campsite that is to be used solely by visitors arriving at the park on foot or bicycle.

"Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor and a moped.

"Multiple campsite" shall mean a designated and posted camping facility encompassing two or more individual standard, utility or primitive campsites.

"Overflow area" shall mean an area in a park separate from designated overnight and emergency camping areas, designated by the park manager, for camping to accommodate peak camping demands in the geographic region.

"Overnight accommodations" shall mean any facility or site designated for overnight occupancy within a state park area.

"Paraglider" shall mean an unpowered ultralight vehicle capable of flight, consisting of a fabric, rectangular or elliptical canopy or wing connected to the pilot by suspension lines and straps, made entirely of nonrigid materials except for the pilot's harness and fasteners. The term "paraglider" shall not include hang gliders or parachutes.

"Person" shall mean all natural persons, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or by an agent, servant, or employee.

"Personal watercraft" means a vessel of less than sixteen feet that uses a motor powering a water jet pump, as its primary source of motive power and that is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

"Popular destination park" shall mean any state park designated by the director as a popular destination park because, it is typically occupied to capacity on Friday or Saturday night during the high use season.

"Primitive campsite" shall mean a campsite not provided with flush comfort station nearby and which may not have any of the amenities of a standard campsite.

"Public assembly" shall mean a meeting, rally, gathering, demonstration, vigil, picketing, speechmaking, march, parade, religious service, or other congregation of persons for the purpose of public expression of views of a political or religious nature for which there is a reasonable expectation that more than one hundred persons will attend based on information provided by the applicant. Public assemblies must be open to all members of the public, and are generally the subject of attendance solicitations circulated prior to the event, such as media advertising, flyers, brochures, word-of-mouth notification, or other form of prior encouragement to attend.

Alternatively, the agency director may declare an event to be a public assembly in the following cases: Where evidentiary circumstances and supporting material suggest that more than one hundred persons will attend, even where the applicant does not indicate such an expectation; or where there is reason to expect a need for special preparations by the agency or the applicant, due to the nature or location of the event.

"Ranger" shall mean a duly appointed Washington state parks ranger who is vested with police powers under RCW 79A.05.160, and shall include the park manager in charge of any state park area.

"Recreation vehicle" shall mean a vehicle/trailer unit, van, pickup truck with camper, motor home, converted bus, or any similar type vehicle which contains sleeping and/or housekeeping accommodations.

"Remote controlled aircraft" shall mean nonpeopled model aircraft that are flown by using internal combustion, electric motors, elastic tubing, or gravity/wind for propulsion. The flight is controlled by a person on the ground using a hand held radio control transmitter.

"Residence" shall mean the long-term habitation of facilities at a given state park for purposes whose primary character is not recreational. "Residence" is characterized by one or both of the following patterns:

Camping at a given park for more than thirty days within a forty-day time period April 1 through September 30; or forty days within a sixty-day time period October 1 through March 31. As provided in WAC 352-32-030(7), continuous occupancy of facilities by the same camping party shall be limited to ten consecutive nights April 1 through September 30. Provided that at the discretion of the park ranger the maximum stay may be extended to fourteen consecutive nights if the campground is not fully occupied. Campers may stay twenty consecutive nights October 1 through March 31 in one park, after which the camping unit must vacate the overnight park facilities for three consecutive nights. The time period shall begin on the date for which the first night's fee is paid.

The designation of the park facility as a permanent or temporary address on official documents or applications submitted to public or private agencies or institutions.

"Sno-park" shall mean any designated winter recreational parking area.

"Special groomed trail area" shall mean those sno-park areas designated by the director as requiring a special groomed trail permit.

"Special recreation event" shall mean a group recreation activity in a state park sponsored or organized by an individual or organization that requires reserving park areas, planning, facilities, staffing, or other services beyond the level normally provided at the state park to ensure public welfare and safety and facility and/or environmental protection.

"Standard campsite" shall mean a designated camping site which is served by nearby domestic water, sink waste, garbage disposal, and flush comfort station.

"State park area" shall mean any area under the ownership, management, or control of the commission, including trust lands which have been withdrawn from sale or lease by order of the commissioner of public lands and the management of which has been transferred to the commission, and specifically including all those areas defined in WAC 352-16-020. State park areas do not include the seashore conservation area as defined in RCW 79A.05.605 and as regulated under chapter 352-37 WAC.

"Trailer dump station" shall mean any state park sewage disposal facility designated for the disposal of sewage waste from any recreation vehicle, other than as may be provided in a utility campsite.

"Upland" shall mean all lands lying above mean high water.

"Utility campsite" shall mean a standard campsite with the addition of electricity and which may have domestic water and/or sewer.

"Vehicle parking permit" means the permit issued on a daily, multiple day or annual basis for parking a vehicle in any state park area designated for daytime vehicle parking.

"Walk-in campsite" shall mean a campsite that is accessed only by walking to the site and which may or may not have vehicle parking available near by.

"Watercraft launch site" shall mean any facility located in a state park area designated for the purpose of placing or retrieving any vehicle-borne or trailer-borne watercraft into or out of the water.

"Water trail advisory committee" shall mean the twelve-member committee constituted by RCW 79A.05.420.

"Water trail camping sites" shall mean those specially designated group camp areas identified with signs, that are near water ways, and that have varying facilities and extent of development.

AMENDATORY SECTION (Amending WSR 00-13-070, filed 6/16/00, effective 7/17/00)

WAC 352-32-250 Standard fees charged. Fees shall be charged in parks operated by the commission for use of lands, facilities, programs, services, and materials as published by state parks: Provided, however, That the commission may suspend any or all of these fees if revenues generated by the fees are not returned to the benefit of the parks: Provided further, That the director or designee has the authority to discount fees to a maximum of 50% below the published fee amounts in order to take advantage of marketing opportunities to encourage use and increase revenues. Any such discounts shall be effective for a limited period of time less than one year in duration. The director or designee may

consider the following factors in temporarily establishing or discounting fees:

- Prevailing rates for comparable facilities;
- Day of the week;
- Season of the year;
- Amenities of the park area and site;
- Demand for facilities; and

Such other considerations as the director or designee deems appropriate. The director or designee shall prescribe the specific details and manner in which fees shall be applied. The director or designee may also waive fees for marketing or promotional purposes or to redress visitor complaints, provided, however, that annual fees may not be waived. The director or designee may also establish temporary fees for a maximum of one year for new facilities or services.

(1) The director or designee may authorize reciprocity with other state or federal agencies for the use of annual permits of like services, provided, that Washington licensed vehicles and/or residents shall be required to have and/or display the appropriate Washington permit;

(2) Overnight camping - standard campsite; utility campsite; emergency campsite; overflow campsite; hiker/biker campsite; walk-in campsite; primitive campsite for nonmotorized for motorized vehicle - fees will be charged as published by state parks. Payment for utility campsite will be collected whether utility hookups are actually used or not, except when otherwise specified by a ranger;

(3) Overnight camping - multiple campsites: Where campsites are designated and posted as a "multiple campsite," an individual may rent the multiple campsite by paying the multiple campsite fee. The multiple campsite fee will be calculated by multiplying the standard utility or primitive campsite fee, as applicable, by the number of individual campsites to be used in the designated multiple campsite;

(4) Group camping area - certain parks: Individual camping units using these facilities must pay campsite fees as published by state parks;

(5) Conference center facilities - fees will be charged for use of facilities and services as set forth in the fee schedule published by state parks and will include, but not be limited to: Overnight accommodations in individual recreational housing units or dormitory units; use of meeting rooms, performance venues and rally areas; linen and janitorial services; group food services; and use of equipment, supplies, and staff time necessary to support group activities. Certain deposits, reservation and cancellation fees also apply as set forth in the fee schedule published by state parks and may not be refundable.

(6) Environmental interpretation:

(a) Service fees will be established by the director or designee in order to recover, to the maximum extent practicable, all direct and indirect costs of environmental interpretation services on a program-wide basis based on anticipated attendance.

(b) Material and publication fees will be established by the director or designee. All material and publication fees will be deposited in the parks improvement account to be used for purposes specified in RCW 79A.05.060.

(c) Facility use, including environmental learning center fees, will be established by the commission. A facility use fee

schedule is available by contacting Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650;

(7) Adirondacks - not to include those located in ELC areas: Occupancy shall be limited to the number of built-in bunks provided;

(8) Extra vehicle overnight parking fee will be charged for each additional unhitched vehicle in excess of the one recreational vehicle allowed at each campsite: Provided, An extra vehicle overnight parking fee shall not be imposed when the recreational vehicle and the towed vehicle arrive at the park hitched together, and after the camper has registered for and occupied the assigned campsite either the recreational vehicle or the towed vehicle remain parked at the campsite for the duration of the camper's stay;

(9) Unattended vehicle overnight parking permit: Unoccupied vehicles parked overnight in designated areas must register and pay the nightly permit fee. The permit must be prominently displayed in the vehicle;

(10) Watercraft launch site permit fee - charged according to facilities provided. Watercraft launch permit shall not be required for:

(a) Vehicles, other than those registered as extra overnight parking vehicles, registered for camping or overnight mooring in the park containing the watercraft launch site;

(b) Vehicles of persons using any recreational housing or conference facilities at Fort Worden State Park;

(c) Vehicles of persons holding limited-income senior citizen, disability or disabled veteran passes;

(d) Vehicles displaying a valid annual watercraft launch site permit;

(11) Annual watercraft launch site permit valid January 1 - December 31 at any launch site designated by the director or designee. Permit must be displayed as instructed on permit backing;

(12) Trailer dump station fee - fee shall not be required for:

(a) Registered camping vehicles in the park containing the dump station;

(b) Vehicles of persons holding limited-income senior citizen, disability or disabled veterans passes;

(13) Popular destination park - a surcharge will apply for use of standard or utility campsite located in a popular destination park during such periods as the director may specify;

(14) Water trail site permits -

(a) For unlimited use within the calendar year, the annual fee will be set by the director or designee after consultation with the water trail advisory committee;

(b) For one day/night use within the calendar year, the fee will be set by the director after consultation with the water trail advisory committee;

(c) For children under 13 years of age the permits shall be issued at no cost;

(d) Water trail permits issued to persons by another state or Canadian province will be honored provided that a similar reciprocal provision for Washington water trail permit holders is issued by that state or province;

(e) Water trail permits will be issued to holders of Washington state parks passes (WAC 352-32-251) for the applicable discounts;

(15) In addition to the regular fee, a per night surcharge shall be imposed for failure to pay the self-registration overnight facility fee;

(16) Group day use facilities - a minimum daily permit fee will be charged for groups of 20 or more;

(17) Reservation transaction - fee will be charged as published by state parks;

(18) Moorage facilities - fee will be charged as published by state parks;

(19) Hot showers, electric stoves - fees will be charged as published by state parks. Fees published by state parks do not apply in those circumstances set forth in WAC 352-32-280 and 352-32-285 as now or hereafter amended;

(20) Commercial recreation provider permit registration - a fee shall be charged, as published by state parks for registration as a commercial recreation provider;

(21) Commercial recreation provider permit - a fee shall be charged, as published by state parks for obtaining a permit to engage in commercial recreational use of state parks, as defined in WAC 352-32-010.

(22) Sno-park permit - seasonal and daily permit fees will be charged as published by state parks.

(23) Special groomed trail permit - a statewide special groomed trail permit will be required for use of special groomed trail areas. The fee charged will be as published by state parks.

(24) Wood debris collection permit - fee will be charged for collection and removal of wood debris from a state park area pursuant to RCW 4.24.210. The fee may be waived for volunteers assisting with emergency salvage and storm clean-up in the parks.

(25) Merchandise - prices for merchandise including but not limited to interpretive, recreational and historic materials, literature, food, beverage, grocery and other items at agency operated sales points will be based on market rates and practices.

(26) Back country camping permit - fee will be charged as published by state parks for selected state park areas as designated by the director.

(27) Group use registration - fee will be charged for groups of a size to be specified in the fee schedule on a park by park basis who have not otherwise reserved group facilities.

(28) Special event - fees will be charged based on the cost of providing events and market rates for comparable activities at other locations.

(29) Aquatic facilities - fees will be charged as published by state parks.

(30) Vehicle parking permit:

(a) The director or designee shall designate state parks where a vehicle parking permit shall be required for parking and shall publish a fee schedule to include any or all of the following:

(i) A single day or multiple day vehicle parking permit;

(ii) An annual vehicle parking permit;

(b) Vehicle parking permits shall not be required for:

(i) Vehicles registered for overnight accommodations, other than those registered as extra overnight parking vehicles;

(ii) Vehicles whose occupants hold a current pass authorized in WAC 352-32-251, Limited income senior citizen, disability, and disabled veteran passes;

(iii) Vehicles whose occupants hold a current watercraft launch site permit;

(iv) Vehicles whose occupants perform volunteer activities approved by the park ranger;

(v) Vehicles whose occupants engage in official business as authorized by agreement or otherwise approved by the park ranger;

(c) Any vehicle parking permit must be displayed as instructed on the permit.

WSR 02-16-083

**WITHDRAWAL OF PROPOSED RULES
GAMBLING COMMISSION**

(By the Code Reviser's Office)

[Filed August 6, 2002, 1:59 p.m.]

WAC 230-02-205, proposed by the Gambling Commission in WSR 02-03-077 appearing in issue 02-03 of the State Register, which was distributed on February 6, 2002, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 02-16-086

**PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed August 7, 2002, 9:34 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-19-067.

Title of Rule: Medical aid rules, considering pain as part of the permanent partial disability award.

Purpose: To ensure fair and consistent impairment ratings for all workers.

Statutory Authority for Adoption: RCW 51.04.010, 51.04.020, 51.04.030, 51.32.080, 51.32.110, 51.32.112, and 51.36.060.

Statute Being Implemented: RCW 51.04.020, 51.32-080, and 51.32.112.

Summary: This rule moves the definition of permanent partial disability (PPD) from WAC 296-20-01002(e) to the sections on PPD ratings. In addition, it clarifies that the department will not consider pain in an impairment rating above and beyond what is already taken into account in the category rating system (WAC 296-20-230 though 296-20-660) or in the organ and body system ratings of the AMA's *Guides to the Evaluation of Permanent Impairment*.

Name of Agency Personnel Responsible for Drafting: Jami Lifka, 7273 Linderson Way S.W., Tumwater, WA,

(360) 902-4941; Implementation: Gary Franklin, MD, Office of the Medical Director, (360) 902-5020; and Enforcement: Doug Connell, Assistant Director for Insurance Services, (360) 902-4209.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The rule clarifies that the department will not consider pain, in a PPD rating, in excess of that already taken into account in the category rating system (WAC 296-20-230 through 296-20-660) and the organ and body system ratings in the AMA's *Guides to the Evaluation of Permanent Impairment*. The anticipated effect is a fair and consistent rating system similar to what is already in place.

Proposal Changes the Following Existing Rules: The definition of "permanent partial disability" is rewritten in clearer language and is moved closer to the sections that deal with this subject.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed change has little or no impact on business. A memorandum discussing the economic impact of this rule is available by contacting Jami Lifka at (360) 902-4941.

RCW 34.05.328 applies to this rule adoption. This rule is a significant rule of the Department of Labor and Industries as described in RCW 34.05.328.

Hearing Location: To facilitate public involvement, the public rules hearing will be held simultaneously at three different locations across the state. Participants will be able to see and hear each other via a statewide video telecommunications system. Addresses for the three locations: **Lacey Site**, Department of Information Services (DIS), 710 Sleater Kinney Road S.E., Suite Q, Lacey, WA 98504-2445, (360) 407-9487; **Seattle Site**, 1107 S.W. Grady Way, Suite 112, Renton, WA 98055, (425) 277-7290; or the **Spokane Site**, Washington Interactive Technologies, 1101 North Argonne, Suite 109, Spokane, WA 99212, (509) 921-2371; on September 10, 2002, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Jami Lifka, by phone (360) 902-4941 or TDD (800) 833-6388.

Submit Written Comments to: Jami Lifka, Department of Labor and Industries, P.O. Box 44321, Olympia, WA 98504-4321, or by fax (360) 902-4249, by September 20, 2002.

Date of Intended Adoption: October 21, 2002.

August 6, 2002

Gary Moore

Director

AMENDATORY SECTION (Amending WSR 01-18-041, filed 8/29/01, effective 10/1/01)

WAC 296-20-01002 Definitions. Acceptance, accepted condition: Determination by a qualified representative of the department or self-insurer that reimbursement for the diagnosis and curative or rehabilitative treatment of a claimant's medical condition is the responsibility of the

department or self-insurer. The condition being accepted must be specified by one or more diagnosis codes from the current edition of the International Classification of Diseases, Clinically Modified (ICD-CM).

Attendant care: Those proper and necessary personal care services provided to maintain the worker in his or her residence. Refer to WAC 296-20-303 for more information.

Attending doctor report: This type of report may also be referred to as a "60 day" or "special" report. The following information must be included in this type of report. Also, additional information may be requested by the department as needed.

(1) The condition(s) diagnosed including ICD-9-CM codes and the objective and subjective findings.

(2) Their relationship, if any, to the industrial injury or exposure.

(3) Outline of proposed treatment program, its length, components, and expected prognosis including an estimate of when treatment should be concluded and condition(s) stable. An estimated return to work date should be included. The probability, if any, of permanent partial disability resulting from industrial conditions should be noted.

(4) If the worker has not returned to work, the attending doctor should indicate whether a vocational assessment will be necessary to evaluate the worker's ability to return to work and why.

(5) If the worker has not returned to work, a doctor's estimate of physical capacities should be included with the report. If further information regarding physical capacities is needed or required, a performance-based physical capacities evaluation can be requested. Performance-based physical capacities evaluations should be conducted by a licensed occupational therapist or a licensed physical therapist. Performance-based physical capacities evaluations may also be conducted by other qualified professionals who provided performance-based physical capacities evaluations to the department prior to May 20, 1987, and who have received written approval to continue supplying this service based on formal department review of their qualifications.

Authorization: Notification by a qualified representative of the department or self-insurer that specific proper and necessary treatment, services, or equipment provided for the diagnosis and curative or rehabilitative treatment of an accepted condition will be reimbursed by the department or self-insurer.

Average wholesale price (AWP): A pharmacy reimbursement formula by which the pharmacist is reimbursed for the cost of the product plus a mark-up. The AWP is an industry benchmark which is developed independently by companies that specifically monitor drug pricing.

Baseline price (BLP): Is derived by calculating the mean average for all NDC's (National Drug Code) in a specific product group, determining the standard deviation, and calculating a new mean average using all prices within one standard deviation of the original mean average. "Baseline price" is a drug pricing mechanism developed and updated by First Data Bank.

Bundled codes: When a bundled code is covered, payment for them is subsumed by the payment for the codes or

services to which they are incident. (An example is a telephone call from a hospital nurse regarding care of a patient. This service is not separately payable because it is included in the payment for other services such as hospital visits.) Bundled codes and services are identified in the fee schedules.

By report: BR (by report) in the value column of the fee schedules indicates that the value of this service is to be determined by report (BR) because the service is too unusual, variable or new to be assigned a unit value. The report shall provide an adequate definition or description of the services or procedures that explain why the services or procedures (e.g., operative, medical, radiological, laboratory, pathology, or other similar service report) are too unusual, variable, or complex to be assigned a relative value unit, using any of the following as indicated:

- (1) Diagnosis;
- (2) Size, location and number of lesion(s) or procedure(s) where appropriate;
- (3) Surgical procedure(s) and supplementary procedure(s);
- (4) Whenever possible, list the nearest similar procedure by number according to the fee schedules;
- (5) Estimated follow-up;
- (6) Operative time;
- (7) Describe in detail any service rendered and billed using an "unlisted" procedure code.

The department or self-insurer may adjust BR procedures when such action is indicated.

Chart notes: This type of documentation may also be referred to as "office" or "progress" notes. Providers must maintain charts and records in order to support and justify the services provided. "Chart" means a compendium of medical records on an individual patient. "Record" means dated reports supporting bills submitted to the department or self-insurer for medical services provided in an office, nursing facility, hospital, outpatient, emergency room, or other place of service. Records of service shall be entered in a chronological order by the practitioner who rendered the service. For reimbursement purposes, such records shall be legible, and shall include, but are not limited to:

- (1) Date(s) of service;
- (2) Patient's name and date of birth;
- (3) Claim number;
- (4) Name and title of the person performing the service;
- (5) Chief complaint or reason for each visit;
- (6) Pertinent medical history;
- (7) Pertinent findings on examination;
- (8) Medications and/or equipment/supplies prescribed or provided;
- (9) Description of treatment (when applicable);
- (10) Recommendations for additional treatments, procedures, or consultations;
- (11) X-rays, tests, and results; and
- (12) Plan of treatment/care/outcome.

Consultation examination report: The following information must be included in this type of report. Additional information may be requested by the department as needed.

- (1) A detailed history to establish:

- (a) The type and severity of the industrial injury or occupational disease.

- (b) The patient's previous physical and mental health.

- (c) Any social and emotional factors which may effect recovery.

- (2) A comparison history between history provided by attending doctor and injured worker, must be provided with exam.

- (3) A detailed physical examination concerning all systems affected by the industrial accident.

- (4) A general physical examination sufficient to demonstrate any preexisting impairments of function or concurrent condition.

- (5) A complete diagnosis of all pathological conditions including ICD-9-CM codes found to be listed:

- (a) Due solely to injury.

- (b) Preexisting condition aggravated by the injury and the extent of aggravation.

- (c) Other medical conditions neither related to nor aggravated by the injury but which may retard recovery.

- (d) Coexisting disease (arthritis, congenital deformities, heart disease, etc.).

- (6) Conclusions must include:

- (a) Type of treatment recommended for each pathological condition and the probable duration of treatment.

- (b) Expected degree of recovery from the industrial condition.

- (c) Probability, if any, of permanent disability resulting from the industrial condition.

- (d) Probability of returning to work.

- (7) Reports of necessary, reasonable X-ray and laboratory studies to establish or confirm the diagnosis when indicated.

Doctor: For these rules, means a person licensed to practice one or more of the following professions: Medicine and surgery; osteopathic medicine and surgery; chiropractic; naturopathic physician; podiatry; dentistry; optometry.

Only those persons so licensed may sign report of accident forms and time loss cards except as provided in chapter 296-20 WAC.

Emergent hospital admission: Placement of the worker in an acute care hospital for treatment of a work related medical condition of an unforeseen or rapidly progressing nature which if not treated in an inpatient setting, is likely to jeopardize the worker's health or treatment outcome.

Fatal: When the attending doctor has reason to believe a worker has died as a result of an industrial injury or exposure, the doctor should notify the nearest department service location or the self-insurer immediately. Often an autopsy is required by the department or self-insurer. If so, it will be authorized by the service location manager or the self-insurer. Benefits payable include burial stipend and monthly payments to the surviving spouse and/or dependents.

Fee schedules or maximum fee schedule(s): The fee schedules consist of, but are not limited to, the following:

- (a) Health Care Financing Administration's Common Procedure Coding System Level I and II Codes, descriptions and modifiers that describe medical and other services, supplies and materials.

(b) Codes, descriptions and modifiers developed by the department.

(c) Relative value units (RVUs), calculated or assigned dollar values, percent-of-allowed-charges (POAC), or diagnostic related groups (DRGs), that set the maximum allowable fee for services rendered.

(d) Billing instructions or policies relating to the submission of bills by providers and the payment of bills by the department or self-insurer.

(e) Average wholesale price (AWP), baseline price (BLP), and policies related to the purchase of medications.

Health services provider or provider: For these rules means any person, firm, corporation, partnership, association, agency, institution, or other legal entity providing any kind of services related to the treatment of an industrially injured worker. It includes, but is not limited to, hospitals, medical doctors, dentists, chiropractors, vocational rehabilitation counselors, osteopathic physicians, pharmacists, podiatrists, physical therapists, occupational therapists, massage therapists, psychologists, naturopathic physicians, and durable medical equipment dealers.

Home nursing: Those nursing services that are proper and necessary to maintain the worker in his or her residence. These services must be provided through an agency licensed, certified or registered to provide home care, home health or hospice services. Refer to WAC 296-20-091 for more information.

Independent or separate procedure: Certain of the fee schedule's listed procedures are commonly carried out as an integral part of a total service, and as such do not warrant a separate charge. When such a procedure is carried out as a separate entity, not immediately related to other services, the indicated value for "independent procedure" is applicable.

Medical aid rules: The Washington Administrative Codes (WACs) that contain the administrative rules for medical and other services rendered to workers.

Modified work status: The worker is not able to return to their previous work, but is physically capable of carrying out work of a lighter nature. Workers should be urged to return to modified work as soon as reasonable as such work is frequently beneficial for body conditioning and regaining self confidence.

Under RCW 51.32.090, when the employer has modified work available for the worker, the employer must furnish the doctor and the worker with a statement describing the available work in terms that will enable the doctor to relate the physical activities of the job to the worker's physical limitations and capabilities. The doctor shall then determine whether the worker is physically able to perform the work described. The employer may not increase the physical requirements of the job without requesting the opinion of the doctor as to the worker's ability to perform such additional work. If after a trial period of reemployment the worker is unable to continue with such work, the worker's time loss compensation will be resumed upon certification by the attending doctor.

If the employer has no modified work available, the department should be notified immediately, so vocational

assessment can be conducted to determine whether the worker will require assistance in returning to work.

Nonemergent (elective) hospital admission: Placement of the worker in an acute care hospital for medical treatment of an accepted condition which may be safely scheduled in advance without jeopardizing the worker's health or treatment outcome.

~~((Permanent partial disability: Any anatomic or functional abnormality or loss after maximum rehabilitation has been achieved, which is determined to be stable or nonprogressive at the time the evaluation is made. When the attending doctor has reason to believe a permanent impairment exists, the department or self-insurer should be notified. Specified disabilities (amputation or loss of function of extremities, loss of hearing or vision) are to be rated utilizing a nationally recognized impairment rating guide. Unspecified disabilities (internal injuries, spinal injuries, mental health, etc.) are to be rated utilizing the category system detailed under WAC 296-20-200 et al. for injuries occurring on or after October 1, 1974. Under Washington law disability awards are based solely on physical or mental impairment due to the accepted injury or conditions without consideration of economic factors.))~~

Physician: For these rules, means any person licensed to perform one or more of the following professions: Medicine and surgery; or osteopathic medicine and surgery.

Practitioner: For these rules, means any person defined as a "doctor" under these rules, or licensed to practice one or more of the following professions: Audiology; physical therapy; occupational therapy; pharmacy; prosthetics; orthotics; psychology; nursing; physician or osteopathic assistant; and massage therapy.

Proper and necessary:

(1) The department or self-insurer pays for proper and necessary health care services that are related to the diagnosis and treatment of an accepted condition.

(2) Under the Industrial Insurance Act, "proper and necessary" refers to those health care services which are:

(a) Reflective of accepted standards of good practice, within the scope of practice of the provider's license or certification;

(b) Curative or rehabilitative. Care must be of a type to cure the effects of a work-related injury or illness, or it must be rehabilitative. Curative treatment produces permanent changes, which eliminate or lessen the clinical effects of an accepted condition. Rehabilitative treatment allows an injured or ill worker to regain functional activity in the presence of an interfering accepted condition. Curative and rehabilitative care produce long-term changes;

(c) Not delivered primarily for the convenience of the claimant, the claimant's attending doctor, or any other provider; and

(d) Provided at the least cost and in the least intensive setting of care consistent with the other provisions of this definition.

(3) The department or self-insurer stops payment for health care services once a worker reaches a state of maximum medical improvement. Maximum medical improvement occurs when no fundamental or marked change in an

accepted condition can be expected, with or without treatment. Maximum medical improvement may be present though there may be fluctuations in levels of pain and function. A worker's condition may have reached maximum medical improvement though it might be expected to improve or deteriorate with the passage of time. Once a worker's condition has reached maximum medical improvement, treatment that results only in temporary or transient changes is not proper and necessary. "Maximum medical improvement" is equivalent to "fixed and stable."

(4) In no case shall services which are inappropriate to the accepted condition or which present hazards in excess of the expected medical benefits be considered proper and necessary. Services that are controversial, obsolete, investigational or experimental are presumed not to be proper and necessary, and shall be authorized only as provided in WAC 296-20-03002(6) and 296-20-02850.

Regular work status: The injured worker is physically capable of returning to his/her regular work. It is the duty of the attending doctor to notify the worker and the department or self-insurer, as the case may be, of the specific date of release to return to regular work. Compensation will be terminated on the release date. Further treatment can be allowed as requested by the attending doctor if the condition is not stationary and such treatment is needed and otherwise in order.

Temporary partial disability: Partial time loss compensation may be paid when the worker can return to work on a limited basis or return to a lesser paying job is necessitated by the accepted injury or condition. The worker must have a reduction in wages of more than five percent before consideration of partial time loss can be made. No partial time loss compensation can be paid after the worker's condition is stationary. **All time loss compensation must be certified by the attending doctor based on objective findings.**

Termination of treatment: When treatment is no longer required and/or the industrial condition is stabilized, a report indicating the date of stabilization should be submitted to the department or self-insurer. This is necessary to initiate closure of the industrial claim. The patient may require continued treatment for conditions not related to the industrial condition; however, financial responsibility for such care must be the patient's.

Total permanent disability: Loss of both legs or arms, or one leg and one arm, total loss of eyesight, paralysis or other condition permanently incapacitating the worker from performing any work at any gainful employment. When the attending doctor feels a worker may be totally and permanently disabled, the attending doctor should communicate this information immediately to the department or self-insurer. A vocational evaluation and an independent rating of disability may be arranged by the department prior to a determination as to total permanent disability. Coverage for treatment does not usually continue after the date an injured worker is placed on pension.

Total temporary disability: Full-time loss compensation will be paid when the worker is unable to return to any type of reasonably continuous gainful employment as a direct result of an accepted industrial injury or exposure.

Unusual or unlisted procedure: Value of unlisted services or procedures should be substantiated "by report" (BR).

Utilization review: The assessment of a claimant's medical care to assure that it is proper and necessary and of good quality. This assessment typically considers the appropriateness of the place of care, level of care, and the duration, frequency or quantity of services provided in relation to the accepted condition being treated.

NEW SECTION

WAC 296-20-19000 What is a permanent partial disability award? Permanent partial disability is a permanent deviation from normal in a body part or organ system and its functioning (including the mental health of a patient) that exists when maximum medical improvement has been reached. A permanent partial disability award is a monetary award designed to compensate the worker for the amputation or loss of function of a body part or organ system. Impairment is evaluated without reference to the nature of the injury or the treatment given. To ensure uniformity, consistency and fairness in rating permanent partial disability, it is essential that injured workers with comparable anatomic abnormalities and functional loss receive comparable disability awards. As such, the amount of the permanent partial disability award is not dependent upon or influenced by the economic impact of the occupational injury or disease on an individual worker. Rather, Washington's Industrial Insurance Act requires that permanent partial disability be established primarily by objective physical or clinical findings establishing a loss of function. Mental health impairments are evaluated under WAC 296-20-330 and 296-20-340.

NEW SECTION

WAC 296-20-19010 Are there different types of permanent partial disabilities? Under Title 51 RCW, there are two types of permanent partial disabilities.

(1) Specified disabilities are listed in RCW 51.32.080 (1)(a). They are limited to amputation or loss of function of extremities, loss of hearing or loss of vision.

(2) Unspecified disabilities include, but are not limited to, internal injuries, back injuries, mental health conditions, respiratory disorders, and other disorders affecting the internal organs.

NEW SECTION

WAC 296-20-19020 How is it determined which impairment rating system is to be used to rate specified and unspecified disabilities? (1) Specified disabilities are rated in one of two ways:

(a) Impairment due to amputation, total loss of hearing, and total loss of vision are rated according to RCW 51.32-080;

(b) Impairment for the loss of function of extremities, as well as partial loss of hearing or vision, is rated using a nationally recognized impairment rating guide unless otherwise precluded by department rule.

(2) Unspecified disabilities are rated in accordance with WAC 296-20-200 through 296-20-660.

NEW SECTION

WAC 296-20-19030 To what extent is pain considered in an award for permanent partial disability? The categories used to rate unspecified disabilities incorporate the worker's subjective complaints. Similarly, the organ and body system ratings in the *AMA Guides to the Evaluation of Permanent Impairment* incorporate the worker's subjective complaints. A worker's subjective complaints or symptoms, such as a report of pain, cannot be objectively validated or measured. There is no valid, reliable or consistent means to segregate the worker's subjective complaints of pain from the pain already rated and compensated for in the conventional rating methods. When rating a worker's permanent partial disability, reliance is primarily placed on objective physical or clinical findings that are independent of voluntary action by the worker and can be seen, felt or consistently measured by examiners. No additional permanent partial disability award will be made beyond what is already allowed in the categories and in the organ and body system ratings in the *AMA guides*.

For example:

- Chapter 18 of the 5th Edition of the *AMA Guides to the Evaluation of Permanent Impairment* attempts to rate impairment caused by a patient's pain complaints. The impairment caused by the worker's pain complaints is already taken into consideration in the categories and in the organ and body system ratings in the *AMA guides*. There is no reliable means to segregate the pain already rated and compensated from the pain impairment that Chapter 18 purports to rate. Chapter 18 of the 5th Edition of *AMA Guides to the Evaluation of Permanent Impairment* cannot be used to calculate awards for permanent partial disability under Washington's Industrial Insurance Act.

WSR 02-16-088

PROPOSED RULES

WESTERN WASHINGTON UNIVERSITY

[Filed August 7, 2002, 9:41 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-21-014.

Title of Rule: Chapter 516-23 WAC, Student rights and responsibilities code.

Purpose: Provides students with a code of conduct and responsibilities that coincides with the university's mission.

Statutory Authority for Adoption: RCW 28B.35.120(12).

Statute Being Implemented: None.

Summary: Repeal all existing sections in chapter 516-23 WAC; adopt proposed new sections of student rights and responsibilities code for chapter 516-23 WAC.

Reasons Supporting Proposal: To update Western's student rights and responsibilities code.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ted Pratt, Dean of Students, Old Main 110, Mailstop 9019, (360) 650-3844.

Name of Proponent: Western Washington University, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 516-23 WAC, Students rights and responsibilities code, provides students with a code of conduct and responsibilities that coincide with the university's mission.

Prominent changes include:

- Update the code to reflect the current structure of university judicial affairs;
- Clearer statements on various conduct violations;
- Provide students with an option of appeal to either the judicial review board or the dean of students;
- Changed notice from five days to three days to coincide with university residences.

Proposal Changes the Following Existing Rules: Proposal repeals all current sections in chapter 516-23 WAC and creates new rules for a student rights and responsibilities code.

See Summary, Reasons Supporting Proposal, and Explanation of Rule above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No monetary implications; no costs imposed on small business through adoption of these changes.

RCW 34.05.328 does not apply to this rule adoption. Rules relate to internal governmental operations.

Hearing Location: Western Washington University, Board Room, Old Main 340, 516 High Street, Bellingham, WA, on October 10, 2002, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Western Washington University, Office of Student Life, TDD (360) 650-3725.

Submit Written Comments to: Suzanne Baker, Rules Coordinator, 516 High Street, Bellingham, WA 98225-9015, fax (360) 650-6197, by October 3, 2002.

Date of Intended Adoption: December 13, 2002.

August 6, 2002

Suzanne M. Baker

Rules Coordinator

NEW SECTION

WAC 516-23-200 Preamble. Western Washington University students enjoy the basic rights of all members of society. At the same time, students have an obligation to fulfill their responsibilities as members of the university. As stated in the university's mission, Western is dedicated to the pursuit of truth, learning and the dissemination and development of knowledge, and service to the community.

The objectives of the university conduct system are that students act in a manner consistent with the high standards of scholarship and behavior relevant to an institution of higher education, to sustain campus-wide safety, and to adhere to the university mission. Students are expected to abide by

university policies and regulations, as well as federal, state, and local laws. An alleged student violation will be resolved through a process as defined in the code respecting basic fairness for the accused and the victim.

NEW SECTION

WAC 516-23-210 Definitions. As used in this chapter, the following words and phrases mean:

- (1) "Appeals board" refers to the judicial appeals board.
- (2) "Bulletin" refers to the Western Washington University bulletin/catalog.
- (3) "Campus" refers to all property owned or supervised by the university, including adjacent streets and sidewalks and off-campus program sites.
- (4) "Code" refers to the student rights and responsibilities code.
- (5) "Dean of students" refers to the director of student life/dean of students.
- (6) "Student" includes all persons with active student status, full or part time. Matriculated students that have not enrolled are students under this code. Nonmatriculated international students attending language institutes or foreign study programs at the university shall also be considered students under this code.
- (7) "University" refers to the programs, activities, and current members of the Western Washington University community.
- (8) "Judicial officer" refers to the university judicial officer.
- (9) "WAC" refers to the Washington Administrative Code.

NEW SECTION

WAC 516-23-220 Jurisdiction. Individual student alleged violations of this code are subject to disciplinary action. While the university does not act as a policing agent for students when they are off campus, the university reserves the right to take action if a student's behavior is determined to threaten the health, safety, and/or property of the university and its members.

Sanctions against student organizations are decided by the procedures established by the university administrative unit governing the recognition of each organization. Disciplinary proceedings against individual member(s) of a student organization can be initiated under this code independent of action taken against the student organization.

NEW SECTION

WAC 516-23-230 Principles and violations of the code. The standards of behavior under the code are higher than those imposed by civil and criminal law. Students must observe the following principles and expectations:

- (1) Western students observe the highest standards of academic integrity in the ethical pursuit of truth and learning;
- (2) Western students are respectful of the rights, welfare, and property of others;

(3) Western students strive to be involved and productive citizens in a diverse, pluralistic, and democratic society; and

(4) Western students exercise their state and federal constitutional rights to free speech, petition, and assembly in means that do not disrupt the university's functions or interfere with the rights and well-being of others.

Students must comply with policies and regulations that may impact the educational, administrative, or university-sponsored programs or functions. The university may initiate disciplinary action against any student alleged to have committed inappropriate conduct on campus or otherwise under the jurisdiction of this code.

NEW SECTION

WAC 516-23-240 Academic dishonesty. The policy and procedure regarding academic dishonesty is addressed in the academic dishonesty policy and procedure. Repeated violations of academic dishonesty will be addressed under the student rights and responsibilities code and can result in disciplinary action. Students may not appeal a decision of academic dishonesty through the student rights and responsibilities code.

Students shall not claim as their own the achievements, work, or arguments of others, nor shall they be party to such claims. According to the academic dishonesty policy and procedure, academic dishonesty consists of misrepresentation by deception or by other fraudulent means. Academic dishonesty compromises the instructor's ability to fairly evaluate a student's work or achievement. For a list of actions that are examples of academic dishonesty, see the bulletin, academic dishonesty policy and procedure. Furthermore, students found to have violated canons of ethical research and scholarship, as defined in the policy and procedural guidelines for misconduct in research and scholarship, may also be subject to disciplinary action. See bulletin, academic dishonesty policy and procedure.

NEW SECTION

WAC 516-23-250 Disruptive behavior. Disruptive behavior is whenever a student engages in any behavior which interferes with the rights of others or which materially or substantially obstructs or disrupts teaching, learning research, or administrative functions. While students have the right to freedom of expression, including the right to dissent or protest, this expression cannot interfere with the rights of others. Disruptive behavior includes, but is not limited to:

- (1) Substantial disruption of classes, laboratories, offices, services, meetings, or ceremonies;
- (2) Obstructing free movement of people or vehicles: Peaceful picketing is permitted only as long as it takes place outside buildings and does not interfere with the flow of traffic to and from buildings;
- (3) Conduct which threatens harm, incites violence, or endangers the health and safety of any person;
- (4) Creating noise in such a way as to interfere with university functions or using sound amplification equipment in violation of appropriate use of amplification sound, as administered by the viking union, see policy on exterior space use;

(5) Intentionally or recklessly interfering with any university or student program or activity, including teaching, research, administration, or meetings; and

(6) Inciting others to engage in prohibited conduct.

See WAC 516-24-130 Demonstrations.

NEW SECTION

WAC 516-23-260 Student responsibility for guests.

Students are responsible for the actions of their guests while on campus, at university events and programs, and in other areas supervised by the university. See WAC 516-24-001 Conduct of campus guests and visitors.

NEW SECTION

WAC 516-23-270 Sexual misconduct. Student sexual misconduct includes, but is not limited to:

- (1) Sexual harassment;
- (2) Sexual intimidation;
- (3) Sexual coercion;
- (4) Sexual exploitation;
- (5) Sexual assault; and
- (6) Any unwanted sexual contact without clear verbal and/or physical prior consent.

Consent for sexual contact must be given in absence of force, threat of force, or coercion and cannot be given while a person is intoxicated, impaired, or mentally incapacitated. Consent must be clearly communicated to both parties, and it must be current to any mutually agreed sexual contact. See bulletin, sexual misconduct policy and procedure.

NEW SECTION

WAC 516-23-280 Violence. Violence includes, but is not limited to, physical abuse and/or intentional injury or harm of another person.

NEW SECTION

WAC 516-23-290 Harassment and/or threats of violence. Harassment and threats of violence are behaviors that create a hostile or threatening educational or working environment, to include, but are not limited to:

- (1) Unwanted and/or intimidating contact and/or communication of a threatening nature;
- (2) An expressed or implied threat to an individual's personal safety or property, academic efforts, employment, or participation in university activities;
- (3) Intentionally and/or repeatedly following or contacting another person in a manner that intimidates, harasses, or places another in fear for their personal safety or to their property; and
- (4) Behavior that threatens or intimidates that is motivated on the basis of race, national or ethnic origin, creed, age, sex, marital status, status as a veteran, sexual orientation, or disability.

NEW SECTION

WAC 516-23-300 Theft and intentional damage of property. Taking, attempting to take, or aiding another to take property belonging to any member of the university community, the university or its guests is a violation of the code. It is prohibited to possess stolen property or to intentionally damage the property of others or the university.

NEW SECTION

WAC 516-23-310 Misuse of computers, electronic data or communication systems. Improper use of computers, electronic data or communication systems is a violation of the code. Improper use of computer resources includes, but is not limited to, the following:

(1) Interference with university computers or communication functions, the work of other students, faculty members, or university officials;

(2) Gaining unauthorized access to computer or communication systems, altering data, or misusing computing facilities;

(3) Using university computing facilities to send harassing messages or generating unwanted e-mails (as defined in WAC 516-23-290 Harassment and/or threats of violence);

(4) Commercial use of university computer resources; and

(5) Failure to comply with posted policies including providing officials with current student identification.

See policy for responsible computing and the user agreement for WWU network and computing resources.

NEW SECTION

WAC 516-23-320 Hazing. Hazing is defined as any act by members of a student organization or individuals which endangers, or is likely to endanger, the mental or physical health or safety of a student, for the purpose of initiation, affiliation with, and as a condition for continued membership and/or participation in an activity, a group or university organization. This includes violation of laws and the destruction or removal of public or private property as requested by a student group or activity.

NEW SECTION

WAC 516-23-330 Student violation of law. Students are expected to abide by federal, state, and local law while on the university campus or at related programs and activities. Failure to comply with the law is a violation of the code. The university reserves the right to take action on criminal behaviors that have an impact on the educational or administrative functions or the general well-being of the university and its members.

Proceedings under this code may be carried out prior to, simultaneously, or following civil or criminal proceedings in the courts. Since the standard of proof, preponderance of the evidence, under this code is different than criminal law, the disciplinary decision is not subject to challenge on the ground

that criminal charges involving the same incident have been dismissed or reduced by a court of law.

NEW SECTION

WAC 516-23-340 Failure to comply with proper official requests. Failure to comply with a proper official request is a violation of the code. A student must comply with proper requests of university officials who are acting in performance of their duties.

NEW SECTION

WAC 516-23-350 Forgery and fraud. Maintaining accurate and credible records and documents is necessary for the university to fulfill its educational mission and to assure the welfare of its students. Providing and/or creating false information is considered a violation of the code. Violations include, but are not limited to, the following:

- (1) Falsely making, completing, or altering any university document, record, or identification;
- (2) Possessing or presenting as authentic any falsified document, record, or identification; and
- (3) Providing any university official, including university police, information known to be false.

NEW SECTION

WAC 516-23-360 Illegal possession and/or use of alcohol. Substance abuse by members of the university community impacts the quality of the educational experience of all students. Consumption or possession of alcohol by students in public areas of any university owned or controlled property may occur for students of legal age at university-approved events with an approved liquor permit. It is a violation to illegally possess and/or consume alcoholic beverages, including, but not limited to:

- (1) Buying, selling, serving, or otherwise furnishing alcoholic beverages to minors; and
- (2) Consumption of alcoholic beverages by minors.

See bulletin, policy concerning alcohol and other drugs.

NEW SECTION

WAC 516-23-370 Illegal drugs and misuse of drugs. Substance abuse by members of the university community impacts the quality of the educational experience of all students. It is a violation to possess, use, manufacture, cultivate, package, distribute, sell, and/or provide a controlled or illegal substance; or to misuse prescription and/or nonprescription drugs on campus. It is a violation to use drug paraphernalia. See bulletin, policy concerning alcohol and other drugs.

NEW SECTION

WAC 516-23-380 Explosives and weapons prohibited from campus. Possession or use of firearms, other weapons or explosives on campus is a violation of the code, unless authorized by the university. Explosives, dangerous chemicals, and fireworks are prohibited on campus or on

property supervised by the university or at university-sponsored activities, unless authorized by the university. Students may not possess firearms on campus at any time, other than to secure them with the police. Weapons include, but are not limited to:

- (1) Firearms of any sort;
- (2) Look-alike weapons;
- (3) BB, pellet, and paintball guns;
- (4) Swords, knives (other than small closed-blade, three and one-half inch pocket knives or smaller or kitchen utensils);
- (5) Martial art weapons;
- (6) Projectile devices; i.e., catapult or slingshot; and
- (7) Objects used as a weapon to distress or injure another.

See WAC 516-52-020 Firearms and dangerous weapons.

NEW SECTION

WAC 516-23-390 Obstructing police and safety personnel. Obstructing police, improper use of safety equipment, and interference with safety personnel is a violation of the code. Students who obstruct, hinder or delay police and other emergency service personnel in the discharge of their duties are subject to disciplinary proceedings. Violations include, but are not limited to, the improper use or disabling of safety equipment and emergency signs.

NEW SECTION

WAC 516-23-400 Interference with the judicial process. Interference of the judicial process is a violation of the code and includes, but is not limited to:

- (1) Giving reports or claims known to be false;
- (2) Attempting to influence the impartiality of witnesses or judicial member(s);
- (3) Failure to properly complete a sanction(s) as specified;
- (4) Participating in, and/or encouraging retribution against complainants or witnesses; and
- (5) Threatening and/or harassing complainants or witnesses.

NEW SECTION

WAC 516-23-410 Freedom of expression. The university recognizes, respects, and protects all expressions of opinion and ideas, whether individual or collective, that are within the limits of the law and university regulations. An exercise of the right to speak requires the freedom of the speaker to make his or her statement. Both the speaker and the audience are entitled to proceed without being subjected to substantial interference.

NEW SECTION

WAC 516-23-420 Demonstrations. While the university recognizes students' rights to free speech, assembly, and petition, all demonstrations must be orderly and conducted in a manner that allows the university to function toward its

established educational goals. Any person or persons persisting in such conduct after being requested to cease by university authorities shall be subject to disciplinary proceedings. Any student or group of students shall not, by their conduct, disrupt, disturb or interfere with:

- (1) Classroom activities and other educational pursuits;
 - (2) Recognized university activities including, but not limited to, ceremonies, meetings, office functions or residence hall activities;
 - (3) Pedestrian and vehicular traffic; and
 - (4) Preservation and protection of university property and personal property of individuals.
- See WAC 516-24-130 Demonstrations.

NEW SECTION

WAC 516-23-430 Proceedings for violations of the code. The university does not follow the same procedures used by civil or criminal courts nor the same rules of evidence. Simple preponderance of the evidence is used to determine responsibility under the code. Any student, faculty, or staff member of the university alleging a violation of this code shall deliver or e-mail to university judicial affairs a written statement of the allegations against the student.

If both parties agree to mediate the complaint, and the judicial officer agrees, mediation may be substituted for a conduct meeting. If mediation is unsuccessful, the original complaint will be considered and decided by the judicial officer.

If, in the judicial officer's judgment, there is sufficient basis to consider the charge(s), the judicial officer shall:

- (1) Provide the student with the student rights and responsibilities code;
- (2) State the nature and date of the alleged violation;
- (3) Specify the portion of the code the student is alleged to have violated;
- (4) Notify the accused student of the availability of procedural advice regarding the code; and
- (5) Notify the accused student in writing of the time, date, and place of a meeting (the meeting will occur no less than three and no more than ten business days from the date of notification). The student may elect to waive the three-day notice if an earlier date is mutually agreed upon.

The judicial officer will determine the accuracy and responsibility of the allegation(s) in a meeting with the accused student. Within ten business days of the meeting, the judicial officer shall notify the student in writing of the decision. If there are multiple individuals involved in the incident, and if it is deemed necessary to determine responsibility, individual decision letters will be mailed to each student ten business days after the final meeting for the specific incident. The decision letter will include a statement of the student's option for a review by the appeals board or the dean of students.

A student formally charged with a violation may not avoid judicial proceedings by withdrawing from the university. The student shall be prohibited from enrolling for subsequent quarters until such time as the student does appear for a meeting to consider the allegation. If the student fails to meet with the judicial officer after receiving proper notifica-

tion, the judicial officer may render a decision on the allegations in the student's absence.

If there is insufficient basis to consider the charge, the individual initiating the complaint will be informed.

NEW SECTION

WAC 516-23-440 Victim rights. The university is committed to protecting the rights of those who suffer from student misconduct, that is, persons who have been physically, psychologically, and/or financially injured by the student responsible for the misconduct.

Rights include:

- (1) To obtain information and procedural advice from the university;
- (2) To decline to participate in university conduct proceedings;
- (3) When appropriate, to be advised of their options to bring civil or criminal charges against the accused;
- (4) To be accompanied by an advocate of their choice throughout the judicial process. The advocate may advise the student, but may not address the judicial officer, the appeals board, or the dean of students;
- (5) To make a statement regarding the impact of the student's conduct, either orally or in writing, to be considered during the sanctioning portion of the conduct and/or the review meetings;
- (6) To be informed when a review is made of the judicial officer's decision;
- (7) To not be subjected to discussion of his or her history or behavior that does not bear instrumentally on the case being heard;
- (8) In cases involving violence, including sexual misconduct/assault, the student will be informed of the finding by the judicial officer and/or the judicial review board or dean of students within ten business days of its conclusion; and
- (9) If appropriate, restitution will be provided by the accused.

NEW SECTION

WAC 516-23-450 Rights of accused. The university is committed to ensuring the rights of a student who is accused of violating the code throughout the judicial process. A student accused of misconduct under this code has certain, specific rights in the disciplinary process. An accused student:

- (1) Is entitled to a fair judicial process;
- (2) Will receive proper written notice of the charge(s) with a clear description of the basis for the charge(s);
- (3) Has an opportunity to meet with the judicial officer or designated representative;
- (4) May obtain information and procedural advice from the university;
- (5) May have one advocate present at the meeting(s). The advocate may give advice to the student, but may not address the judicial officer, appeals board, or the dean of students;
- (6) Must give written permission to record statements made during the meeting;

(7) May present witnesses and be able to request questions of witnesses, prior to or after a meeting;

(8) Will receive written notification of the judicial officer's decision within ten business days from the date of the meeting; and

(9) May request a review of the judicial officer's decision to the appeals board or the dean of students within ten days of receiving the decision letter.

NEW SECTION

WAC 516-23-460 Sanctions. The following disciplinary sanctions may be given to a student found in violation of the code. A decision may include a combination or modification of the following sanctions that correspond to the circumstances of each particular case.

(1) Warning: A written reprimand that the student has violated the student rights and responsibilities code;

(2) Disciplinary probation: Probation is for a designated period of time. Students who violate the code during this probationary period are subject to more severe disciplinary sanctions;

(3) Loss of privileges: Denial of specified privileges (i.e., participation in specific activities, restriction from specific areas of campus) for a designated period of time;

(4) Restriction from contacting others: Restricting the student from direct or indirect physical and/or verbal contact with another person and/or group;

(5) Educational activities: Activities designed to encourage student development may include, but are not limited to, community service, attendance at educational programs, or written assignments;

(6) Assessment, counseling, and treatment programs: Interventions to assist students with possible substance abuse or other types of unsafe behaviors;

(7) Restitution: Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement;

(8) Residence hall relocation: Transfer of living arrangements to another university residence hall or apartment;

(9) Termination of university residences agreement: Removing the student from university residences;

(10) Disciplinary suspension: Removing the student from the university for a designated period of time, after which, the student is eligible to return. Conditions for readmission may be specified. In addition to disciplinary suspension, see chapter 516-28 WAC, Standards and procedures for involuntary administrative withdrawal of students at Western Washington University for behavior from mental disorders;

(11) Deferred suspension: Notice of suspension from the university with the provision that the student may remain enrolled contingent on meeting specific conditions. Failure to meet the conditions of the sanctions will result in immediate suspension; or

(12) Disciplinary expulsion: Permanent and complete dismissal of the student from the university.

NEW SECTION

WAC 516-23-470 Procedures for immediate interim suspension. In order to prevent danger to individuals, substantial destruction of property, or significant disruption of teaching, research, and/or administrative functions, the dean of students or designated representative may temporarily suspend (interim suspension) a student. An interim suspension will be pending a full review and discussion between the student and the dean of students or designee. An interim suspension becomes effective immediately upon written notice. The written notice of an interim suspension must include the stated violation, as determined by the dean of students, and the time, date, and location of the meeting. The written notice will be sent by certified mail or delivered in person to the student.

In all cases of interim suspension, the student is entitled to a meeting before the judicial officer or the dean of students. The meeting shall take place within three business days after the beginning date of interim suspension. During the interim suspension period, the student will be allowed on university property only to the extent deemed permissible by the dean of students and/or the judicial officer. If a student fails to appear at his or her meeting, the suspension will stay in effect until the meeting has been completed and a new decision is made regarding all of the information and the student's status.

NEW SECTION

WAC 516-23-480 Basis for appeal. The accused student is allowed one appeal of the judicial officer's decision to either the appeals board or the dean of students. The appeal must be made in writing to the dean of students within ten business days of receiving the written decision of the charges. The appeal must include a statement whether the accused student wishes to have the appeal considered by either the appeals board or the dean of students.

The basis for a review is:

(1) The original meeting was not conducted in conformity with prescribed procedures;

(2) The university judicial officer misinterpreted the code;

(3) The sanction(s) imposed is disproportionate to the student violation; or

(4) The decision reached did not properly consider the information presented.

No sanction will begin while an appeal is pending, except as provided in WAC 516-23-470, Procedures for immediate interim suspension. Temporary relocation of the student to alternative on-campus housing and restrictions between the affected parties may be enforced during an appeal.

NEW SECTION

WAC 516-23-490 Appeal procedures. (1) Upon acceptance of the appeal, the dean of students or designated representative shall include in the notification to the accused student:

- (a) Time, date, and location of the hearing;
- (b) Identification of the section of the code that the student has allegedly violated;
- (c) Nature and date of the alleged violation; and
- (d) A copy of the code.

(2) The appeal hearing shall not be less than three or more than ten business days from the date of notification. The student may elect to waive the three-day notice if an earlier date is mutually agreed upon. If the student fails to appear at the hearing, the appeals board or dean of students may proceed with the appeal based upon consideration of the available information without the student's presence, or may dismiss the appeal. The rights of the accused student are listed under WAC 516-23-450.

(a) The appeals board chair or dean of students and the accused student may call any person to speak concerning the alleged violation.

(b) The board chair or dean of students may limit or exclude testimony that is irrelevant, immaterial, or repetitious.

(c) Five members shall constitute a quorum of the appeals board. Actions by the appeals board require agreement by a majority of those members present at the time of the hearing.

(d) Any member of the board that is unable to render an impartial decision in a particular case shall excuse himself or herself from the board's deliberations in advance and may be replaced by an alternate.

(e) The decision of the appeals board or dean of students may eliminate, reduce, maintain, modify and/or increase the original decision and sanction.

(f) New substantive information that was not presented at the time of the original conduct meeting will not be considered during the appeal. When new substantive information is present prior to the appeal hearing and the new evidence could impact the original decision, the allegation(s) will be reheard by the judicial officer.

(3) The appeals board chair or dean of students shall notify the accused student in writing of the disposition of the case within ten business days of the appeal hearing.

NEW SECTION

WAC 516-23-500 Deviations from established procedures. Deviations from these procedures will not invalidate a decision or proceedings unless it results in clear prejudice against the accused student. Deviations from the timeline may be granted by request for good cause to the dean of students.

NEW SECTION

WAC 516-23-510 Confidentiality of conduct proceedings and records. Confidentiality will be maintained in compliance with the university student records policy and state and federal law. Conduct records prepared by the judicial officer, appeals board, and/or the dean of students:

(1) Will be held in the office of student life for six years, except in cases of suspension, interim suspension, or expulsion, which are permanent records; and

(2) Will not be shared with any member of the public except upon the informed written consent of the student(s) involved or as stated in the student records policy.

The disciplinary outcome may be shared with the victim and those within the university involved in the completion and/or supervision of the sanction and/or student. See bulletin and chapter 516-26 WAC, Student records.

NEW SECTION

WAC 516-23-520 Administrative withdrawal due to mental disorders. As provided in chapter 516-28 WAC, a student who, because of mental disorders, is unable to abide by university policy, regulations, and procedures and who represents a serious threat to themselves or others, may be involuntarily withdrawn from the university. A student accused of misconduct under the student rights and responsibilities code may be diverted from that disciplinary process and withdrawn according to the standards of chapter 516-28 WAC, involuntary withdrawal due to mental disorders. Those standards include:

(1) The student lacks the capacity to respond to pending disciplinary charges due to a mental disorder; and/or

(2) The student does not know the nature of the wrongfulness of the conduct due to a mental disorder at the time of the alleged offense.

Students otherwise subject to disciplinary charges who wish to introduce relevant information of any mental disorder must inform the dean of students or designated representative in writing at least one business day prior to any judicial meeting. The dean of students shall make a determination within five business days after the student's written submission. Verification of any mental disorder may not be considered in any judicial proceeding under this code other than involuntary withdrawal. See chapter 516-28 WAC involuntary withdrawal due to mental disorders.

NEW SECTION

WAC 516-23-530 University conduct system. The vice-president for student affairs and academic support services is responsible for administration of this code.

(1) The supervision of the code has been delegated to the dean of students or designated representatives.

(2) The judicial officer shall be appointed and supervised by the dean of students.

(3) The judicial officer shall have the authority to adjudicate and administer sanctions for violations of this code.

(4) The appeals board or the dean of students shall have authority to review the judicial officer's decision and to render decisions under the code.

(5) A six-member appeals board shall be appointed at the beginning of each fall quarter term. The appeals board will consist of the following:

(a) Two faculty members nominated by the dean of students and confirmed by faculty senate;

PROPOSED

(b) Three students appointed by the associated students board; and

(c) One member of the student affairs and academic support services staff nominated by the dean of students and confirmed by the vice-president for student affairs and academic support services.

There will be one alternate for each of the three areas represented on the appeals board. The alternates will be appointed at the same time by the same authority. Student appointments shall be for one academic year. Faculty and staff appointments shall be for staggered two-year terms.

The dean of students shall request that all appointments be initiated during the first full month of the fall quarter. Should the need arise during the summer term, appeals of the code will be heard by the dean of students or an interim board appointed by the dean of students.

NEW SECTION

WAC 516-23-540 Relationship of the code to university residences. University residences is responsible for adjudicating most violations of the code committed by residents on university residences' premises or at university residences' sponsored events. In the best interest of the university, the dean of students has the authority to designate which area, university residences and/or university judicial affairs, will consider an alleged violation of the code. General referral of conduct cases is made after consensus between university residences and university judicial affairs. Conduct cases referred by university residences to university judicial affairs include, but are not limited to:

- (1) Alleged acts and threats of physical violence, and/or sexual misconduct;
- (2) Alleged violations of distribution or sale of illegal drugs or other controlled substances;
- (3) Alleged violations by nonresidential students while on university residences' premises or at events sponsored by university residences;
- (4) Alleged policy violations initiated near the end of or after a student's contract with university residences;
- (5) Alleged computer misconduct when nonresidents are the victims (e.g., sending mass unsolicited e-mails, copyright violations); and
- (6) Alleged violations serious enough to result in suspension or expulsion from the university.

NEW SECTION

WAC 516-23-550 Interpretation of the code. Final determination in response to any question of interpretation regarding the code, whether in content, procedure, or intent, shall be the responsibility of the dean of students or designee.

NEW SECTION

WAC 516-23-560 Revision of the code and the committee on student rights and responsibilities. The code shall be reviewed and recommendations made by the university services council's student rights and responsibilities committee to the vice-president for student affairs and academic

support services for submission and final approval by the board of trustees. A review of the code should be completed every five years or earlier, if needed. The committee on student rights and responsibilities will be composed of:

- (1) Five students, three appointed by the associated students board of directors, including at least one graduate student, and two students appointed by university residence hall association;
- (2) One member from the student affairs division appointed by the vice-president of student affairs and academic support services;
- (3) One faculty member appointed by the faculty senate;
- (4) The judicial officer;
- (5) One member of the university public safety department appointed by the director of public safety; and
- (6) One member of the university residences' staff.

NEW SECTION

WAC 516-23-570 Referenced policies and regulations in the code. Policies or regulations referenced in the code must be made available, upon request, in the office of student life and university judicial affairs.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 516-23-005	Preamble.
WAC 516-23-010	Definitions.
WAC 516-23-015	Jurisdiction.
WAC 516-23-020	Relationship between civil and criminal law and university disciplinary proceedings.
WAC 516-23-025	Actionable offenses.
WAC 516-23-030	Disruptive behavior.
WAC 516-23-035	Academic dishonesty.
WAC 516-23-040	Forgery and fraud.
WAC 516-23-045	Interference with freedom of expression.
WAC 516-23-050	Alcohol and other drugs policy violations.
WAC 516-23-055	Misuse of computers, electronic data or communications.
WAC 516-23-060	Hazing.
WAC 516-23-065	Sexual misconduct.
WAC 516-23-070	Violence and harassment.
WAC 516-23-075	Judicial structure.
WAC 516-23-080	Conduct proceedings.
WAC 516-23-085	Appeals.

WAC 516-23-090	Basis for appeal.
WAC 516-23-095	Appeal hearing procedures.
WAC 516-23-100	Interference of the judicial process.
WAC 516-23-105	Disciplinary sanctions.
WAC 516-23-110	Administrative withdrawal due to mental disorders.
WAC 516-23-115	Record of proceedings.
WAC 516-23-120	Statement of accused student's rights.
WAC 516-23-125	Statement of rights of those subjected to student misconduct.
WAC 516-23-130	Relationship to university residences' conduct system.
WAC 516-23-135	Interim suspension.
WAC 516-23-140	Interpretation and revision.
WAC 516-23-145	Committee on student rights and responsibilities.

WSR 02-16-092
PROPOSED RULES
OFFICE OF
INSURANCE COMMISSIONER

[Filed August 7, 2002, 10:52 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-18-038.

Title of Rule: Holding Company Act for health care service contractors and health maintenance organizations.

Purpose: Chapter 48.31C RCW requires health care service contractors and health maintenance organizations to submit and file certain information with the insurance commissioner. This proposed regulation will set forth the instructions, methods and forms by which this information will be filed with the insurance commissioner and further implement chapter 48.31C RCW.

Other Identifying Information: Insurance Commissioner Matter No. R 2001-08.

Statutory Authority for Adoption: RCW 48.02.060, 48.44.050, 48.46.200, chapter 48.31C RCW.

Statute Being Implemented: Chapter 48.31C RCW.

Summary: This proposed regulation will set forth the instructions, methods and forms by which this information will be filed with the insurance commissioner and further implement chapter 48.31C RCW.

Reasons Supporting Proposal: Chapter 48.31C RCW requires health care service contractors and health maintenance organizations to submit and file certain information with the insurance commissioner. This proposed regulation will set forth the instructions, methods and forms by which

this information will be filed with the insurance commissioner and further implement chapter 48.31C RCW.

Name of Agency Personnel Responsible for Drafting and Implementation: Jim Tompkins, P.O. Box 40259, Olympia, WA 98504-0255, (360) 407-0537; and Enforcement: James Odiorne, P.O. Box 40259, Olympia, WA 98504-0255, (360) 407-0420.

Name of Proponent: Mike Kreidler, Insurance Commissioner, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 48.31C RCW requires health care service contractors and health maintenance organizations to submit and file certain information with the insurance commissioner. This proposed regulation will set forth the instructions, methods and forms by which this information will be filed with the insurance commissioner and further implement chapter 48.31C RCW.

Proposal does not change existing rules.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

Background: In the 2001 session, the legislature adopted the Holding Company Act for health care service contractors (HCSCs) and health maintenance organizations (HMOs), chapter 179, Laws of 2001. The law was codified as chapter 48.31C RCW. The law included an emergency clause (RCW 48.31C.901) making the law effective immediately upon signing.

After the signing of the bill, the commissioner began to develop rules to implement the new law. On August 28, 2001, the commissioner adopted emergency rules necessary to implement the law. Drafts of those emergency rules were distributed to industry and interested parties prior to the filing for comments and changes were made based on some of the comments received by the OIC. Also on August 28, 2001, a CR-101 was filed announcing the agency's intent to begin permanent rule making in this area. Both the emergency rules and the CR-101 were mailed to affected parties and posted on the agency website. The OIC has been able to evaluate the industry experience under the emergency and make some changes based on that experience.

Requirements of Federal Law or Federal Regulation: This rule is not required by federal law or regulation.

Industry Affected by the Proposed Rule: The rules affect health care service contractors (HCSCs) and health maintenance organizations (HMOs). The industry code that would be affected by the proposed rules is Hospital and Medical Service Plans, #6324.

Percentage of the Industries in the Four-Digit Standard Industrial Classification Affected by the Rule: The proposed rule would affect 100% of the health care service contractors (HCSCs) and health maintenance organizations (HMOs). The industry code that would be affected by the proposed rules is Hospital and Medical Service Plans, #6324.

Requirements of the Proposed Rule That May Impose a Cost to Business: The rules establish the forms

and mechanisms to fulfill the requirements of chapter 48.31C RCW. The rules parallel the Holding Company Act rules for insurers, chapter 284-18 WAC. It is not believed that the rules add costs or requirements that are not traceable back to the underlying statutes and that are essential to accomplish the goals and requirements of chapter 48.31C RCW. An overview of the sections of the rule is below.

WAC 284-18A-300 sets forth the forms and the general requirements to fulfill the requirements of RCW 48.31C.020 through 48.31C.060.

WAC 284-18A-310 allows carriers to incorporate other filed information by reference to meet the information requirements of Form A, Form B, Form D, and Form E. This includes documents filed with a government authority if it is filed as an exhibit. Documents filed with the OIC in the last three years do not need to be filed as an exhibit. Also, if an item must be summarized or outlined, it requires only a brief summary of the relevant or pertinent information and allows incorporation by reference. WAC 284-18A-320 requires only the filing of information known or reasonably available to the person filing the statement. If providing the information is burdensome, the filer may not have to obtain the information or may be able to file the information later.

WAC 284-18A-330 requires filing material information additional to what is required by Forms A through E if it is necessary to avoid the information provided from misleading the OIC and the public.

WAC 284-18A-340 provides definitions.

WAC 284-18A-350 provides that a person required by RCW 48.31C.030 shall use a Form A.

WAC 284-18A-360 provides that applicants must promptly advise the commissioner of changes in submitted in a Form A which occur after the Form A is filed but prior to action on the application by the commissioner.

WAC 284-18A-370 provides that carriers required to file an annual registration under RCW 48.31C.040 shall file a Form B.

WAC 284-18A-380 provides that carriers required to register under RCW 48.31C.040 shall also file a Form C.

WAC 284-18A-390 provides that carriers have fifteen days to amend Form B after the end of any month where there is a material change to the information in the annual Form B.

WAC 284-18A-400 provides the processes for alternative and consolidated registrations under RCW 48.31C.040.

WAC 284-18A-410 sets standards for disclaimers and termination of registration.

WAC 284-18A-420 provides that carriers required to obtain from the commissioner under RCW 48.31C.050 shall use Form D.

WAC 284-18A-430 established the information and processes necessary for approval of an extraordinary dividend or distribution under RCW 48.31C.060.

WAC 284-18A-440 provides a mechanism for carriers to indicate the information that they consider proprietary and confidential as allowed in RCW 48.31C.130.

WAC 284-18A-910 is Form A.

WAC 284-18A-920 is Form B.

WAC 284-18A-930 is Form C.

WAC 284-18A-940 is Form D.

WAC 284-18A-950 is Form E.

WAC 284-18A-960 is the form required to notify of dividends and distributions.

Professional Services That May Be Needed to Comply with the Requirements of the Proposed Rule: It is expected that no new professional services will be needed by carriers, including smaller carriers. Again, the services and costs that may be incurred are traceable to the requirements of chapter 48.31C RCW.

Cost of equipment: There is no anticipated additional cost of equipment attributable to the proposed rules.

Cost of supplies: There are minimal anticipated additional costs of supplies for the filings.

Cost of labor: There may be some minimal costs associated with reading and comprehending the new rule. As noted, the rules parallel the Holding Company Act rules for insurers so there are some opportunities to avoid potential labor costs. OIC staff welcomes suggestions to lessen potential costs.

Cost of increased administration: There may be some minimal costs associated with reading and comprehending the new rule. As noted, the rules parallel the Holding Company Act rules for insurers so there are some opportunities to avoid potential administration costs. OIC staff welcomes suggestions to lessen potential costs.

Reporting, Record-Keeping, and Other Compliance Requirements of the Proposed Rule: The rules establish the forms and mechanisms to fulfill the reporting requirements established in chapter 48.31C RCW. An overview of the sections is included above.

Compliance Costs for the Industries Affected by the Proposed Rules: The drafters do not anticipate any costs attributable to the rule beyond the time spent in reading and comprehending the rule. Chapter 48.31C RCW requires filing of certain types of financial information. Proposed chapter 284-18A WAC provides the forms and processes to implement the RCW chapter. Costs inherent in the regulation are believed to be traceable to the goals and requirements of the underlying statutes.

The Proportionality of the Cost of Compliance: No. The proposed rule will not impose a disproportionately higher economic burden on smaller carriers. The rules themselves should not impose economic burdens for any carrier or insurer. Costs and reporting requirements are traceable to the underlying statutes.

Mitigation Measures That Could Be Used to Reduce the Economic Impact of the Rule on Smaller Carriers and Still Meet the Objectives: No additional mitigation appears to be possible and none should be necessary. It does not appear that the goals of the rule making and of chapter 48.31C RCW can be achieved in any more efficient fashion. The commissioner welcomes any comments or suggestions of industry regarding mitigation.

Steps the Commissioner Will Take to Reduce the Costs of the Rule on Smaller Carriers: See above. The commissioner would like to particularly encourage smaller carriers to contact the OIC with any suggestions to mitigate costs. The commissioner will consider those comments and

seek to incorporate any of those that improve the rules and further the goals of the statute.

Mitigation Techniques That Have Been Considered and Incorporated into the Proposed Rule: The rules parallel the Holding Company Act for insurers. Some carriers have subsidiaries or sister entities that currently are required to file under chapter 284-18 WAC, the rules provide some familiarity. The rules attempt to provide flexibility in reporting requirements. For example, WAC 284-18A-310 allows incorporation by reference to other filings with the OIC or even other governmental entities if the documents are attached as exhibits. Documents filed with the OIC in the last three years can be referred to and not attached. Extensive documents can be excerpted. WAC 284-18A-320 does not require filers to seek out information if it involves unreasonable effort or expense. WAC 284-18A-330 may require information additional to the information filed on Forms A through E, the purpose is to provide flexibility and lessen costs rather than require all information from all carriers.

The adoption of emergency rules was not intended to be any sort of mitigatory measure. However, the discussions leading up to the filing of the emergency rules and the discussions during the filings under the emergency rules have allowed the OIC to consider options, make changes, and refine language in the proposed rules in this rule making.

Mitigation Techniques That Were Considered for Incorporation into the Proposed Rule but Were Rejected: The OIC received numerous comments regarding the emergency rules and the proposed rules. Many of those comments were incorporated in the drafts that lead to the rules proposed in this rule making. Many of those comments were not mitigatory in the sense that they directly reduced cost; some involved possible questions or requests to clarify. The OIC has attempted to clarify the rules to address the concerns. Other uncertainties have been resolved during the implementation of the emergency rules. If a carrier believes that a concern that has not been addressed or has a suggestion to mitigate costs, the commissioner encourages submitting those comments.

Informing and Involving Affected Carriers: The commissioner began discussing statutory issues with carriers after the law was enacted. The OIC developed drafts of the emergency rules and solicited comments prior to adoption. The OIC made changes to the emergency rules based on carrier comments, including comments from smaller carriers. As the filings occurred under the emergency rules, OIC staff assisted in compliance and engaged in an ongoing dialogue with the carriers regarding the standards. The proposed rules take advantage of these discussions with industry.

The CR-103 adopting the rules were mailed to all carriers, e-mailed to the e-mail list and posted on the website.

Informing and Involving Affected Smaller Carriers: See above.

A copy of the statement may be obtained by writing to Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacys@oic.wa.gov, fax (360) 586-3109.

RCW 34.05.328 applies to this rule adoption. The rule is a "significant legislative rule" for the purpose of RCW 34.05.328.

Hearing Location: 5000 Capitol Boulevard, Tumwater, WA 98504-0255, on September 10, 2002, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Lori Villaflores by September 6, 2002, TDD (360) 664-3154 or (360) 407-0198.

Submit Written Comments to: Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacys@oic.wa.gov, fax (360) 586-3109, by September 9, 2002.

Date of Intended Adoption: September 11, 2002.

August 7, 2002

Mike Kreidler

Insurance Commissioner

Chapter 284-18A WAC

HEALTH CARE SERVICE CONTRACTOR AND HEALTH MAINTENANCE HOLDING COMPANY REGULATION

NEW SECTION

WAC 284-18A-300 Forms—General requirements.

(1) Forms A, B, C, D, and E are intended to be guides in the preparation of the statements required by RCW 48.31C.020 through 48.31C.060. They are not intended to be blank forms which are to be filled in. These statements when filed shall contain the numbers and captions of all items, but the text of the items may be omitted provided the answers thereto are prepared in such a manner as to indicate clearly the scope and coverage of the items. All instructions, whether appearing under the items of the form or elsewhere therein, are to be omitted. Unless expressly provided otherwise, if any item is inapplicable or an answer is in the negative, an appropriate statement to that effect shall be made.

(2) Two complete copies of Form A, and one copy of Forms B, C, and D, and E, including exhibits and all other papers and documents filed as a part shall be filed with the commissioner by:

(a) Personal delivery to: Insurance Commissioner of the State of Washington, 5000 Capitol Blvd., Tumwater, WA 98501; or

(b) Mailed to: Insurance Commissioner of the State of Washington, Post Office Box 40259, Olympia, Washington 98504-0259.

At least one of the copies shall be manually signed in the manner prescribed on the form. Unsigned copies shall be conformed. If the signature of any person is affixed pursuant to a power of attorney or other similar authority, a copy of such power of attorney or other authority shall also be filed with the statement.

(3) Statements should be prepared on paper 8 1/2" x 11" in size and preferably bound at the top or the top left-hand corner. Exhibits and financial statements, unless specifically prepared for the filing, may be submitted in their original size. All copies of any statement, financial statements, or exhibits shall be clear, easily readable, and suitable for photocopying. Debits in credit categories and credits in debit categories shall be designated so as to be clearly distinguishable as such on photocopies. Statements shall be in the

English language and monetary values shall be stated in United States currency. If any exhibit or other paper or document filed with the statement is in a foreign language, it shall be accompanied by a translation into the English language and any monetary value shown in a foreign currency normally shall be converted into United States currency.

NEW SECTION

WAC 284-18A-310 Forms—Incorporation by reference, summaries, and omissions. (1) Information required by any item of Form A, Form B, Form D, or Form E may be incorporated by reference in answer or partial answer to any other item. Information contained in any financial statement, annual report, proxy statement, statement filed with a governmental authority, or any other document may be incorporated by reference in answer or partial answer to any item of Form A, Form B, Form D, or Form E provided such document or paper is filed as an exhibit to the statement. Excerpts of documents may be filed as exhibits if the documents are extensive. Documents currently on file with the commissioner which were filed within three years need not be attached as exhibits. References to information contained in exhibits or in documents already on file shall clearly identify the material and shall specifically indicate that such material is to be incorporated by reference in answer to the item. Matter shall not be incorporated by reference in any case where such incorporation would render the statement incomplete, unclear, or confusing.

(2) Where an item requires a summary or outline of the provisions of any document, only a brief statement shall be made as to the pertinent provisions of the document. In addition to such statement, the summary or outline may incorporate by reference particular parts of any exhibit or document currently on file with the commissioner which was filed within three years and may be qualified in its entirety by such reference.

NEW SECTION

WAC 284-18A-320 Forms—Information unknown or unavailable and extension of time to furnish. (1) Information required need be given only insofar as it is known or reasonably available to the person filing the statement. If any required information is unknown and not reasonably available to the person filing, either because obtaining the information would involve unreasonable effort or expense, or because it rests peculiarly within the knowledge of another person not affiliated with the person filing, the information may be omitted, subject to the following conditions:

(a) The person filing shall give such information on the subject as it possesses or can acquire without unreasonable effort or expense, together with the sources; and

(b) The person filing shall include a statement either showing that unreasonable effort or expense would be involved or indicating the absence of any affiliation with the person within whose knowledge the information rests and stating the result of a request made to such person for the information.

(2) If it is impractical to furnish any required information, document, or report at the time it is required to be filed, there may be filed with the commissioner a separate document:

(a) Identifying the information, document, or report in question;

(b) Stating why the filing at the time required is impractical; and

(c) Requesting an extension of time for filing the information, document, or report to a specified date. The request for extension shall be deemed granted unless the commissioner denies the request within sixty days of receipt.

NEW SECTION

WAC 284-18A-330 Forms—Additional information and exhibits. In addition to the information expressly required to be included in Form A, Form B, Form C, Form D, and Form E, there shall be added such further material information, if any, as may be necessary to make the information contained therein not misleading. The person filing may also file such exhibits as it may desire in addition to those expressly required by the statement. Such exhibits shall be so marked as to indicate clearly the subject matters to which they refer. Changes to Forms A, B, C, D, or E shall include on the top of the cover page the phrase: "Change No. (insert number) to" and shall indicate the date of the change and not the date of the original filing.

NEW SECTION

WAC 284-18A-340 Definitions. (1) "The act" means Holding Company Act for Health Care Service Contractors and Health Maintenance Organizations RCW 48.31C.010 through 48.31C.901.

(2) "Executive officer" means chief executive officer, chief operating officer, chief financial officer, treasurer, secretary, controller, and any other individual performing functions corresponding to those performed by the foregoing officers under whatever title.

(3) "Ultimate controlling person" means that person who is not controlled by any other person.

(4) Unless the context otherwise requires, other terms found in these regulations and in RCW 48.31C.010 are used as defined in RCW 48.31C.010. Other terminology is according to Title 48 RCW, or industry usage if not defined by Title 48 RCW.

NEW SECTION

WAC 284-18A-350 Acquisition of control—Form A Statement filing. A person required to file a statement under RCW 48.31C.030, shall provide the required information on Form A, hereby made a part of this regulation.

NEW SECTION

WAC 284-18A-360 Amendments to Form A. The applicant shall promptly advise the commissioner of any changes in the information so furnished on Form A arising

after the date upon which the information was provided but prior to the commissioner's disposition of the application.

NEW SECTION

WAC 284-18A-370 Annual registration of health carriers—Form B Statement filing. (1) A health carrier required to file an annual registration statement under RCW 48.31C.040, shall provide the required information on Form B.

(2) The Form B must be filed within fifteen days after the health carrier becomes subject to registration, and annually on or before May 15th of each year for the previous calendar year.

NEW SECTION

WAC 284-18A-380 Summary of registration—Form C Statement filing. A health carrier required to file an annual registration statement under RCW 48.31C.040 is also required to furnish information required on Form C.

NEW SECTION

WAC 284-18A-390 Amendments to Form B. (1) An amendment to Form B shall be filed within fifteen days after the end of any month in which there is a material change to the information provided in the annual registration statement.

(2) Amendments shall be filed in the Form B format with only those items which are being amended reported. Each such amendment shall include at the top of the cover page "Amendment No. (insert number) to Form B for (insert year)" and shall indicate the date of the change and not the date of the original filings.

NEW SECTION

WAC 284-18A-400 Alternative and consolidated registrations. (1) Any authorized health carrier may file a registration statement on behalf of any affiliated health carrier or health carriers which are required to register under RCW 48.31C.040. A registration statement may include information not required by the act regarding any health carrier in the health carrier holding company system even if the health carrier is not authorized to do business in this state. In lieu of filing a registration statement on Form B, the registered health carrier may file a copy of the registration statement or similar report which it is required to file in its state of domicile, provided:

(a) The statement or report contains substantially similar information required to be provided on Form B; and

(b) The filing health carrier is the principal health carrier in the health carrier holding company system.

(2) The question of whether the filing health carrier is the principal health carrier in the health carrier holding company system is a question of fact and a health carrier filing a registration statement or report instead of Form B on behalf of an affiliated health carrier, shall set forth a brief statement of facts which will substantiate the filing health carrier's claim

that it, in fact, is the principal health carrier in the health carrier holding company system.

(3) Any health carrier may take advantage of the provisions of RCW 48.31C.040 (7) or (8) without obtaining the prior approval of the commissioner. The commissioner, however, reserves the right to require individual filings if he or she deems such filings necessary in the interest of clarity, ease of administration, or the public good.

NEW SECTION

WAC 284-18A-410 Disclaimers and termination of registration. A disclaimer of control or affiliation shall contain the following information:

(1) The number of authorized, issued, and outstanding voting securities of the health carrier;

(2) With respect to the person whose control is denied and all affiliates of such person, the number and percentage of shares of the subject's voting securities which are held of record or known to be beneficially owned, and the number of such shares concerning which there is a right to acquire, directly or indirectly;

(3) All material relationships and bases for affiliation between the health carrier and the person whose control is denied and all affiliates of such person;

(4) A statement explaining why such person should not be considered to control the health carrier.

NEW SECTION

WAC 284-18A-420 Transactions subject to prior approval—Form D Notice filing. A health carrier required to obtain the prior approval of the commissioner of a proposed transaction pursuant to RCW 48.31C.050, shall provide the required information on Form D, hereby made a part of these regulations.

NEW SECTION

WAC 284-18A-430 Extraordinary dividends and other distributions. (1) Requests for approval of extraordinary dividends or any other extraordinary distribution to shareholders or members shall include the following:

(a) The amount of the proposed dividend or distribution;

(b) The date established for payment of the dividend or distribution;

(c) A statement as to whether the dividend or distribution is to be in cash or other property and, if in property, a description, its cost, and its fair market value together with an explanation of the basis for valuation;

(d) A copy of the calculations determining that the proposed dividend or distribution is extraordinary. The work paper shall include the following information:

(i) The amounts, dates, and form of payment of all dividends or distributions (including regular dividends but excluding distributions of the health carriers own securities) paid within the period of twelve consecutive months ending on the date fixed for payment of the proposed dividend or distribution for which approval is sought and commencing on

PROPOSED

the day after the same day of the same month in the last preceding year;

(ii) The net worth of the health carrier as of the 31st day of December next preceding;

(iii) The net income of the health carrier for the twelve-month period ending the 31st day of December next preceding;

(iv) The net worth of the health carrier after payment of the dividend or distribution;

(v) The RBC level of the health carrier after payment of the dividend or distribution;

(e) A balance sheet and statement of income for the period intervening from the last annual statement filed with the commissioner and the end of the month preceding the month in which the request for dividend approval is submitted; and

(2) Each registered health carrier shall report to the commissioner all other dividends and other distributions to shareholders within five business days following the declaration, and at least fifteen business days before payment, including

the same information required by subsection (1)(a) and (d)(i) through (v) of this section.

(3) The reporting of either dividends or distributions, or both, shall be made under the form in WAC 284-18A-960.

NEW SECTION

WAC 284-18A-440 Confidential proprietary and trade secret information. If the health carrier, applicant or other person filing information with the commissioner under chapter 48.31C RCW and this chapter, considers that some of the information being filed is confidential proprietary and trade secret information, then the person submitting the filing must clearly mark those portions of the filing that the person considers to be confidential proprietary and trade secret information as being confidential. The person making the filing shall also state the basis upon which the person considers the information to be confidential proprietary and trade secret information.

NEW SECTION

WAC 284-18A-910 Form A.

FORM A

STATEMENT REGARDING THE
ACQUISITION OF CONTROL OF A DOMESTIC HEALTH CARRIER

Name of Domestic Health Carrier

BY

Name of Acquiring Person (Applicant)

Filed with the Insurance Commissioner of the State of Washington

Dated: _____.

Name, Title, Address, and Telephone Number of Individual to Whom Notices and Correspondence Concerning this Statement Should be Addressed:

ITEM 1. HEALTH CARRIER AND METHOD OF ACQUISITION

State the name and address of the domestic health carrier to which this application relates and a brief description of how control is to be acquired.

ITEM 2. IDENTITY AND BACKGROUND OF THE APPLICANT

(a) State the name and address of the applicant seeking to acquire control over the health carrier.

(b) If the applicant is not an individual, state the nature of its business operations for the past five years or for such lesser period as such person and any predecessors have been in existence. Briefly describe the business intended to be done by the applicant and the applicant's subsidiaries.

(c) Furnish a chart or listing clearly presenting the identities of the inter-relationships among the applicant and all affiliates of the applicant. No affiliate need be identified if its total assets are equal to less than one-half of one percent of the total assets of the ultimate controlling person affiliated with the applicant. Indicate in such chart or listing the percentage of voting securities of each such person which is owned or controlled by the applicant or by any other such person. If control of any person is maintained other than by the ownership or control of voting securities, indicate the basis of such control. As to each person specified in such chart or listing, indicate the type of organization (e.g. corporation, trust, partnership) and the state or other jurisdiction

of domicile. If court proceedings involving a reorganization or liquidation are pending with respect to any such person, indicate which person, and set forth the title of the court, nature of proceedings and the date when commenced.

ITEM 3. IDENTITY AND BACKGROUND OF INDIVIDUALS ASSOCIATED WITH THE APPLICANT

Furnish biographical information for (1) the applicant if (s)he is an individual or (2) all persons who are directors, executive officers or owners of ten percent or more of the voting securities of the applicant if the applicant is not an individual. Unless otherwise directed by the commissioner, the biographical information shall contain the information required by and be submitted in the format of the current NAIC Biographical Affidavit form.

ITEM 4. NATURE, SOURCE AND AMOUNT OF CONSIDERATION

(a) Describe the nature, source and amount of funds or other considerations used or to be used in effecting the merger or other acquisition of control. If any part of the same is represented or is to be represented by funds or other consideration borrowed or otherwise obtained for the purpose of acquiring, holding or trading securities, furnish a description of the transaction, the names of the parties thereto, the relationship, if any, between the borrower and the lender, the amounts borrowed or to be borrowed, and copies of all agreements, promissory notes and security arrangements relating thereto.

(b) Explain the criteria used in determining the nature and amount of such consideration.

(c) If the source of the consideration is a loan made in the lender's ordinary course of business and if the applicant wishes the identity of the lender to remain confidential, he or she must specifically request that the identity be kept confidential.

ITEM 5. FUTURE PLANS OF HEALTH CARRIER

Describe any plans or proposals which the applicant may have to declare an extraordinary dividend, to liquidate such health carrier, to sell its assets to or merge it with any person or persons or to make any other material change in its business operations or corporate structure or management.

ITEM 6. NONPROFIT HEALTH CARRIERS

If the health carrier or person controlling the health carrier being acquired is a nonprofit corporation:

(a) Describe who the members of the corporation or person controlling the health carrier are and how they become or are selected as members of the corporation and how this may change as a result of the acquisition.

(b) Describe who has the authority or power to elect or appoint the board of directors, trustees or other governing body of the health carrier or person controlling the health carrier and how this may change as a result of the acquisition.

ITEM 7. FOR-PROFIT HEALTH CARRIERS

If the health carrier being acquired is a for-profit person:

(a) State the number of shares of the health carrier's voting securities which the applicant, its affiliates and any person listed in Item 3 plan to acquire, and the terms of the offer, request, invitation, agreement or acquisition, and a statement as to the method by which the fairness of the proposal was determined.

(b) State the amount of each class of any voting security of the health carrier which is beneficially owned or concerning which there is a right to acquire beneficial ownership by the applicant, its affiliates or any person listed in Item 3.

(c) Give a full description of any contracts, arrangements or understandings with respect to any voting security of the health carrier in which the applicant, its affiliates or any person listed in Item 3 is involved, including, but not limited to, transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies. Such description shall identify the persons with whom such contracts, arrangements or understandings have been entered into.

(d) Describe any purchases of any voting securities of the health carrier by the applicant, its affiliates or any person listed in Item 3 during the twelve calendar months preceding the filing of this statement. Include in such description the dates of purchase, the names of the purchasers, and the consideration paid or agreed to be paid therefor. State whether any such shares so purchased are hypothecated.

(e) Describe any recommendations to purchase any voting security of the health carrier made by the applicant, its affiliates or any person listed in Item 3, or by anyone based upon interviews or at the suggestion of the applicant, its affiliates or any person listed in Item 3 during the twelve calendar months preceding the filing of this statement.

(f) Describe the terms of any agreement, contract or understanding made with any broker-dealer as to solicitation of voting securities of the health carrier for tender and the amount of any fees, commissions or other compensation to be paid to broker-dealers with regard thereto.

PROPOSED

ITEM 8. FINANCIAL STATEMENTS AND EXHIBITS

(a) Financial statements and exhibits shall be attached to this statement as an appendix, but list under this item the financial statements and exhibits so attached.

(b) The financial statements shall include the annual financial statements of the persons identified in Item 2(c) for the preceding five fiscal years (or for such lesser period as such applicant and its affiliates and any predecessors have been in existence), and similar information covering the period from the end of such person's last fiscal year, if such information is available. Such statements may be prepared on either an individual basis, or, unless the commissioner otherwise requires, on a consolidated basis if such consolidated statements are prepared in the usual course of business.

The annual financial statements of the applicant shall be accompanied by the certificate of an independent public accountant to the effect that such statements present fairly the financial position of the applicant and the results of its operations for the year then ended, in conformity with generally accepted accounting principles. If the applicant is a health carrier or an insurer, the annual financial statements of the applicant shall be accompanied by the certificate of an independent public accountant to the effect that such statements present fairly the financial position of the applicant and the results of its operations for the year then ended, in conformity with statutory accounting principles as set forth in Titles 48 RCW and 284 WAC.

(c) File as exhibits copies of all tender offers for, requests or invitations for, tenders of, exchange offers for, and agreements to acquire or exchange any voting securities of the health carrier and (if distributed) of additional soliciting material relating thereto, any proposed employment, consultation, advisory or management contracts concerning the health carrier, annual reports to the stockholders of the health carrier and the applicant for the last two fiscal years, and any additional documents or papers required by Form A or WAC 284-18A-300 or 284-18A-320.

ITEM 9. SIGNATURE AND CERTIFICATION

Signature and certification required as follows:

SIGNATURE

Pursuant to the requirements of RCW 48.31C.030 has caused this application to be duly signed on its behalf in the City of _____ and State of _____ on the day of _____, _____.

(SEAL)

Name of Applicant

BY

(Name)

(Title)

Attest:

(Signature of Officer)

(Title)

CERTIFICATION

The undersigned deposes and says that (s)he has duly executed the attached application dated _____, for and on behalf of (Name of Applicant); that (s)he is the (Title of Officer) of such company and that (s)he is authorized to execute and file such instrument. Deponent further says that (s)he is familiar with such instrument and the contents, and that the facts therein set forth are true to the best of his/her knowledge, information and belief.

(Signature)

(Type or print name beneath)

ITEM 4. BIOGRAPHICAL INFORMATION

Furnish biographical information for the executive officers and the directors, trustees or other governing body of the ultimate controlling person. Unless otherwise directed by the commissioner, the biographical information shall contain the information required by and be submitted in the format of the current NAIC Biographical Affidavit form.

ITEM 5. TRANSACTIONS AND AGREEMENTS

Briefly describe the following agreements in force, and transactions currently outstanding or which have occurred during the last calendar year between the registrant and its affiliates (no information need be disclosed if such information is not material for purposes of RCW 48.31C.040):

- (a) Loans, other investments, or purchases, sales or exchanges of securities of the affiliates by the registrant or of the registrant by its affiliates;
- (b) Purchases, sales or exchanges of assets;
- (c) Transactions not in the ordinary course of business;
- (d) Guarantees or undertakings for the benefit of an affiliate which result in an actual contingent exposure of the registrant's assets to liability, other than insurance contracts entered into in the ordinary course of the registrant's business;
- (e) All management agreements, service contracts and all cost-sharing arrangements;
- (f) Reinsurance agreements;
- (g) Dividends and other distributions to shareholders;
- (h) Consolidated tax allocation agreements; and
- (i) Any pledge of the registrant's stock or of the stock of any subsidiary or controlling affiliate, for a loan made to any member of the insurance holding company system.

The description shall be in a manner as to permit the proper evaluation by the commissioner, and shall include at least the following: The nature and purpose of the transaction, the nature and amounts of any payments or transfers of assets between the parties, the identity of all parties to such transaction, relationship of the affiliated parties to the registrant, the date of the transaction or agreement and the date the transaction or agreement was approved by the commissioner if such an approval was required.

ITEM 6. LITIGATION OR ADMINISTRATIVE PROCEEDINGS

A brief description of any litigation or administrative proceedings of the following types, either then pending or concluded within the preceding fiscal year, to which the ultimate controlling person or any of its directors or executive officers was a party or of which the property of any such person is or was the subject; give the names of the parties and the court or agency in which such litigation or proceeding is or was pending:

- (a) Criminal prosecutions or administrative proceedings by any government agency or authority which may be relevant to the trustworthiness of any party thereto; and
- (b) Proceedings which may have a material effect upon the solvency or capital structure of the ultimate holding company including, but not necessarily limited to, bankruptcy, receivership or other corporate reorganizations.

ITEM 7. STATEMENT REGARDING PLAN OR SERIES OF TRANSACTIONS

The health carrier shall furnish a statement that it has not entered into separate transactions with persons within the health carrier's holding company system which in the aggregate amount exceed the statutory threshold amounts which would have required the commissioner's prior approval or reporting to the commissioner.

ITEM 8. FINANCIAL STATEMENTS AND EXHIBITS

(a) Financial statements and exhibits should be attached to this statement as an appendix, but list under this item the financial statements and exhibits so attached.

(b) The financial statements shall include the annual financial statements of the ultimate controlling person in the health carrier holding company system as of the end of the person's latest fiscal year.

If at the time of the initial registration, the annual financial statements for the latest fiscal year are not available, annual statements for the previous fiscal year may be filed and similar financial information shall be filed for any subsequent period to the extent such information is available. Such financial statements may be prepared on either an individual basis, or unless the com-

missioner otherwise requires, on a consolidated basis if such consolidated statements are prepared in the usual course of business.

The annual financial statements shall be accompanied by the certificate of an independent public accountant to the effect that such statements present fairly the financial position of the ultimate controlling person and the results of its operations for the year then ended, in conformity with generally accepted accounting principles. If the ultimate controlling person is a health carrier or insurer, the annual financial statements of the ultimate controlling person shall be accompanied by the certificate of an independent public accountant to the effect that such statements present fairly the financial position of the ultimate controlling person and the results of its operations for the year then ended, in conformity with statutory accounting principles as set forth in Titles 48 RCW and 284 WAC.

(c) Exhibits shall include copies of the latest annual reports to shareholders of the ultimate controlling person and proxy material used by the ultimate controlling person; and any additional documents or papers required by Form B or WAC 284-18A-300 and 284-18A-320.

ITEM 9. FORM C REQUIRED

A Form C, Summary of Registration Statement, must be prepared and filed with this Form B.

ITEM 10. SIGNATURE AND CERTIFICATION

Signature and certification required as follows:

SIGNATURE

Pursuant to the requirements of RCW 48.31C.040, the registrant has caused this annual registration statement to be duly signed on its behalf in the City of _____ and State of _____ on the day of _____.

(SEAL)

Name of Applicant

BY _____

(Name)

(Title)

Attest:

(Signature of Officer)

(Title)

CERTIFICATION

The undersigned deposes and says that (s)he has duly executed the attached annual registration dated ____, ____, for and on behalf of (Name of Company); that (s)he is the (Title of Officer) of such company and that (s)he is authorized to execute and file such instrument. Deponent further says that (s)he is familiar with such instrument and the contents, and that the facts therein set forth are true to the best of his/her knowledge, information and belief.

(Signature) _____

(Type or print name beneath) _____

NEW SECTION

WAC 284-18A-930 Form C.

FORM C

SUMMARY OF REGISTRATION STATEMENT

Filed with the Insurance Commissioner of the State of Washington

BY _____

Name of Registrant

On Behalf of Following Health Carriers

PROPOSED

Name Address

Date: _____, _____.

Name, Title, Address, and Telephone Number of Individual to Whom Notices and Correspondence Concerning This Statement Should Be Addressed:

Furnish a brief description of all items in the current annual registration statement which represent changes from the prior year's annual registration statement. The description shall be in a manner that permits the proper evaluation by the commissioner, and shall include specific references to Item numbers in the annual registration statement and to the terms contained therein.

Changes occurring under Item 2 of Form B insofar as changes in the percentage of each class of voting securities held by each affiliate is concerned, need only be included where such changes are ones which result in ownership or holdings of ten percent or more of voting securities, loss or transfer of control, or acquisition or loss of partnership interest.

Changes occurring under Item 4 of Form B need only be included where: An individual is, for the first time, made a director or executive officer of the ultimate controlling person; a director or executive officer terminates his or her responsibilities with the ultimate controlling person; or in the event an individual is named president of the ultimate controlling person.

If a transaction disclosed on the prior year's annual registration statement has been changed, the nature of such change shall be included. If a transaction disclosed on the prior year's annual registration statement has been effectuated, furnish the mode of completion and any flow of funds between affiliates resulting from the transaction.

The health carrier shall furnish a statement that it has not entered into separate transactions with persons within the health carrier's holding company system which in the aggregate amount exceed the statutory threshold amounts which would have required the commissioner's prior approval or reporting to the commissioner.

SIGNATURE AND CERTIFICATION

Signature and certification required as follows:

SIGNATURE

Pursuant to the requirements of RCW 48.31C.040, the registrant has caused this summary of registration statement to be duly signed on its behalf in the City of _____ and State of _____ on the day of _____, _____.

(SEAL)

Name of Applicant

BY

(Name)

(Title)

Attest:

(Signature of Officer)

(Title)

CERTIFICATION

The undersigned deposes and says that (s)he has duly executed the attached summary of registration dated _____, _____, for and on behalf of (Name of Company); that (s)he is the (Title of Officer) of such company and that (s)he is authorized to execute and file such instrument. Deponent further says that (s)he is familiar with such instrument and the contents, and that the facts therein set forth are true to the best of his/her knowledge, information and belief.

(Signature)

(Type or print name beneath)

PROPOSED

If the transaction involves a loan, extension of credit or a guarantee, furnish a description of the maximum amount which the health carrier will be obligated to make available under such loan, extension of credit or guarantee, the date on which the credit or guarantee will terminate, and any provisions for the accrual of or deferral of interest.

If the transaction involves an investment, guarantee or other arrangement, state the time period during which the investment, guarantee or other arrangement will remain in effect, together with any provisions for extensions or renewals of such investments, guarantees or arrangements. Furnish a brief statement as to the effect of the transaction upon the health carrier's net worth.

ITEM 4. LOANS OR EXTENSIONS OF CREDIT TO A NONAFFILIATE

If the transaction involves a loan or extension of credit to any person who is not an affiliate, furnish a brief description of the agreement or understanding whereby the proceeds of the proposed transaction, in whole or in substantial part, are to be used to make loans or extensions of credit to, to purchase the assets of, or to make investments in, any affiliate of the health carrier making such loans or extensions of credit, and specify in what manner the proceeds are to be used to loan to, extend credit to, purchase assets of, or make investments in any affiliate. Describe the amount and source of funds, securities, property, or other consideration for the loan or extension of credit and, if the transaction is one involving consideration other than cash, a description of its cost and its fair market value together with an explanation of the basis for evaluation. Furnish a brief statement as to the effect of the transaction upon the health carrier's net worth.

ITEM 5. REINSURANCE

If the transaction is a reinsurance agreement or modification thereto, as described by RCW 48.31C.050 (2)(c), furnish a description of the known or estimated amount of liability to be ceded or assumed in each calendar year, the period of time during which the agreement will be in effect, and a statement whether an agreement or understanding exists between the health carrier and nonaffiliate to the effect that any portion of the assets constituting the consideration for the agreement will be transferred to one or more of the health carrier's affiliates. Furnish a brief description of the consideration involved in the transaction, and a brief statement as to the effect of the transaction upon the health carrier's net worth.

ITEM 6. MANAGEMENT AGREEMENTS, SERVICE AGREEMENTS, AND COST-SHARING ARRANGEMENTS

For management and service agreements, furnish:

(a) A brief description of the managerial responsibilities, or services to be performed.

(b) A brief description of the agreement, including a statement of its duration, together with brief descriptions of the basis for compensation and the terms under which payment or compensation is to be made.

For cost-sharing arrangements, furnish:

(a) A brief description of the purpose of the agreement.

(b) A description of the period of time during which the agreement is to be in effect.

(c) A brief description of each party's expenses or costs covered by the agreement.

(d) A brief description of the accounting basis to be used in calculating each party's costs under the agreement.

ITEM 7. SIGNATURE AND CERTIFICATION

Signature and certification required as follows:

SIGNATURE

Pursuant to the requirements of RCW 48.31C.050, the registrant has caused this notice to be duly signed on its behalf in the City of _____ and State of _____ on the day of _____, _____.

(SEAL) _____

Name of Applicant

BY _____

(Name)

(Title)

Attest:

(Signature of Officer)

(Title)

PROPOSED

CERTIFICATION

The undersigned deposes and says that (s)he has duly executed the attached application dated _____, _____, for and on behalf of (Name of Company); that (s)he is the (Title of Officer) of such company and that (s)he is authorized to execute and file such instrument. Deponent further says that (s)he is familiar with such instrument and the contents, and that the facts therein set forth are true to the best of his/her knowledge, information and belief.

(Signature) _____
(Type or print name beneath) _____

NEW SECTION

WAC 284-18A-950 Form E.

FORM E

PREACQUISITION NOTIFICATION FORM
REGARDING THE ACQUISITION OF CONTROL OF A FOREIGN HEALTH
CARRIER DOING BUSINESS IN THIS STATE

Name of Applicant

Name of Other Person
Involved in the Acquisition

Filed with the Insurance Commissioner of the State of Washington
Dated: _____

Name, title, address and telephone number of person completing this statement:

ITEM 1. NAME AND ADDRESS

State the names and addresses of the persons who hereby provide notice of their involvement in a pending acquisition or change in corporate control.

ITEM 2. NAME AND ADDRESSES OF AFFILIATED COMPANIES

State the names and addresses of the persons affiliated with those listed in Item 1. Describe their affiliations.

ITEM 3. NATURE AND PURPOSE OF THE PROPOSED MERGER OR ACQUISITION

State the nature and purpose of the proposed merger or acquisition.

ITEM 4. NATURE OF BUSINESS

State the nature of the business performed by each of the persons identified in response to Item 1 and Item 2.

ITEM 5. MARKET AND MARKET SHARE

State specifically what market and market share the persons identified in Item 1 and Item 2 currently enjoy in this state. Provide historical market and market share data for each person identified in Item 1 and Item 2 for the past five years and identify the source of such data.

For purposes of this question, market means direct written premiums in this state for a line of business as contained in the annual statement required to be filed by health carriers licensed to do business in this state.

PROPOSED

NEW SECTION

WAC 284-18A-960 Dividends and distributions.

Notification of dividend or distribution to shareholders/members from Washington health carriers

Company Name: _____

NAIC Code: _____

Date Mailed: ___/___/___

- 1A. Amount of dividend or distribution. \$ _____
- 1B. How will dividend or distribution be paid* (Circle one). Cash / Property
- 2A. Date dividend or distribution was declared. ___/___/___
- 2B. Date dividend or distribution is to be paid. ___/___/___
- 3A. Dividends paid and distributions made within the previous 12 months from the date on Line 2B:

Date	How Paid*	Amount
___/___/___	_____	\$ _____
___/___/___	_____	\$ _____
___/___/___	_____	\$ _____
___/___/___	_____	\$ _____
___/___/___	_____	\$ _____

- 3B. Total. \$ _____
- *If noncash, describe the property to be distributed and the method used to determine its fair market value.
- 4. Sum of Amounts of Lines 1A and 3B. \$ _____
- 5A. **Net Worth** as of the previous year-end. \$ _____
- 5B. 10% of Amount on Line 5A. \$ _____
- 6. **Net Income** as of the previous year-end. \$ _____
- 7. The Lesser of Line 5B or Line 6. \$ _____
- 8. Lines 4 minus Line 7. \$ _____
- 9A. If Line 8 is negative, Line 1A is ordinary dividend or distribution. _____
- 9B. If Line 8 is positive, Line 1A is extraordinary dividend or distribution. _____

If **9A** is checked, notification is required within 5 business days of dividend or distribution declaration and at least 15 business days prior to expected payment or distribution.

If **9B** is checked, including the above notification requirement, no payment can be made until: The later of (1) 30 days after sufficient notice or if notice is incomplete, then 15 days after receipt of additional information, or (2) 30 days after original receipt; or the commissioner has approved the payment within the 30-day period.

Please note that the payment of any dividend or distribution is prohibited if the payment would reduce the net worth of the health carrier below the greater of: (1) The minimum required by RCW 48.44.037 for a health care service contractor or RCW 48.46.235 for a health maintenance organization or (2) the company action level RBC under RCW 48.43.300 (9)(a).

Certification:

President/Secretary **Date**

WSR 02-16-095
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed August 7, 2002, 11:17 a.m.]

WSR 02-16-096
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed August 7, 2002, 11:22 a.m.]

The Department of Licensing hereby withdraws proposed rule amendment to WAC 308-15-040 filed with your office on April 5, 2002, as part of WSR 02-09-011.
 Margaret Epting, Administrator
 Geologist Licensing Board

Supplemental Notice to WSR 02-09-011.
 Preproposal statement of inquiry was filed as WSR 02-05-079.
 Title of Rule: New section WAC 308-15-140 What are the rules of professional conduct?

PROPOSED

Purpose: The department recommends adding a new section, WAC 308-15-140, to describe rules of professional conduct.

Statutory Authority for Adoption: RCW 18.220.040(1), 18.220.050(1).

Statute Being Implemented: RCW 18.220.040(1), 18.220.050(1).

Summary: Add new rule for chapter 308-15 WAC for clarification.

Reasons Supporting Proposal: WAC 308-15-140 is a new section added to implement the rules of professional conduct.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Margaret Epting, 405 Black Lake Boulevard, Olympia, WA 98502, (360) 664-1386.

Name of Proponent: Industry stakeholders, public.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Add new section WAC 308-15-140.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There will not be a burden on the industry due to increased fees or increased workloads.

RCW 34.05.328 does not apply to this rule adoption. Department of Licensing is exempt from this law.

Hearing Location: Department of Licensing, 405 Black Lake Boulevard, Second Floor, Conference Room 209, Olympia, WA 98502, on September 10, 2002, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Teresa Norman by September 1, 2002, TTY (360) 586-2788 or (360) 664-1497.

Submit Written Comments to: Geologist Licensing Board, P.O. Box 9045, Olympia, WA 98507-9045, fax (360) 664-2551, by September 1, 2002.

Date of Intended Adoption: September 10, 2002.

August 5, 2002

Margaret Epting, Administrator
Geologist Licensing Program

NEW SECTION

WAC 308-15-140 What are the rules of professional conduct? (1) What are the general responsibilities of a geologist?

(a) A geologist must undertake professional service or render expert opinion only when qualified by training or experience in the technical areas involved.

(b) When serving as an expert or technical witness before a court, commission, or other tribunal, a geologist must express only those opinions founded upon adequate professional knowledge of the matters at issue.

(c) A geologist must sign and stamp only professional work, including, but not limited to, maps and reports for which the geologist has direct professional knowledge, and for which the geologist is in responsible charge.

(d) A geologist must not take credit for work conducted by others. When using the results of other geologists' work in the performance of the practice of geology, a geologist must give due credit to the other geologists by citation or acknowledgement.

(e) A geologist must not knowingly make false statements or misrepresentations, or permit the publication or use of the geologist's name or work in association with any fraudulent activities.

(f) A geologist must make full disclosure to all parties concerned of any conflict of interest in projects or properties on which the geologist performs work.

(g) If a geologist has knowledge or reasonable cause to believe another person or geologist is in violation of the licensing law, chapter 18.220 RCW, or the related administrative rules, the geologist must present such information in writing to the Washington geologist licensing board.

(h) If a geologist's professional judgment is overruled or not adhered to under circumstances where the geologist has reasonable cause to believe there is a clear and present threat to the public health or welfare or property, the geologist must immediately notify the client/employer of the possible consequences.

(i) A geologist must issue no statements, criticisms, or arguments on geological matters which are inspired or paid for by interested parties, unless the geologist indicates on whose behalf the statements are made.

(j) A geologist must continue the geologist's professional development throughout the geologist's career, and must provide opportunities for the professional development of those individuals under the geologist's supervision.

(2) What are the specific responsibilities of a geologist to an employer or client?

(a) A geologist must avoid conflicts of interest with a client/employer and must disclose the circumstances to the client/employer if a conflict is unavoidable.

(b) A geologist must not, during the time of the geologist's retention or employment by a client/employer, use information developed for, or the resources of, said client/employer for private gain or in any other manner that may conflict with the client/employer's interest without the knowledge and consent of the client/employer, except as specified in subsection (1)(h) of this section. In the case of former client/employers, a geologist must honor agreements with former client/employers with regard to proprietary information, except as specified by subsection (1)(h) of this section.

(c) A geologist must either engage or advise a client/employer to engage other experts or specialists if the client/employer's interests are best served by such service.

(d) A geologist must not accept compensation concurrently from more than one client/employer on a project, unless the circumstances of payment are fully disclosed and agreed to by all financially interested parties.

(e) A geologist must advise the geologist's employers or clients when, as a result of their studies, the geologist believes a project will not be viable.

(f) A geologist must negotiate contracts for professional services fairly and on the basis of demonstrated competence

and qualifications for the type of professional service required.

(g) A geologist must not request, propose or accept professional compensation on a contingent basis under circumstances in which the geologist's professional judgment may be compromised.

(3) What are the specific responsibilities of a geologist to the board?

(a) A geologist must respond to board formal requests within the time frame and in the manner by the board in its request.

(b) Geologists, when requested by the board, must present information and assistance to the board in pursuing violations of laws and rules relating to the practice of geology in the state of Washington.

(4) **What are prohibited acts?** The prohibited acts are found in RCW 18.220.130 and 18.220.170.

WSR 02-16-100

PROPOSED RULES

STATE BOARD OF HEALTH

(Department of Health)

[Filed August 7, 2002, 11:56 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-08-090.

Title of Rule: Chapter 246-491 WAC, Vital statistics—Certificates.

Purpose: These rules identify the information that the Department of Health collects from birth, death, fetal death, marriage, divorce and separation certificates. The State Board of Health identifies the information collected from the confidential sections of these certificates, and the Department of Health identifies the information collected from the public section of the certificates.

Other Identifying Information: The information collected on the certificates is based on the United States forms of live birth and fetal death, which are developed by the United States Department of Health and Human Services, National Center for Health Statistics.

Statutory Authority for Adoption: WAC 246-491-001 Purpose is RCW 43.70.150, chapter 70.58 RCW; WAC 246-491-010 Definitions is RCW 43.70.150; WAC 246-491-029 Information collected on the confidential section of live birth and fetal death certificates and 246-491-039 Confidential information on state of Washington live birth and fetal death certificates under chapter 70.58 RCW is RCW 70.58.055; and WAC 246-491-149 Information collected on the legal or public section of certificates is RCW 43.70.150.

Statute Being Implemented: Chapter 70.58 RCW.

Summary: The proposal incorporates federal changes to birth, death, and fetal death certificates. The entire chapter is also reformatted to improve clarity.

Reasons Supporting Proposal: The proposal removes items that are no longer relevant, not being used, or that cannot be reliably collected. The proposal will enable the department to add items that address emerging health issues.

Name of Agency Personnel Responsible for Drafting: John Whitbeck, Center of Health Statistics, (360) 236-4321; Implementation: Phil Freeman, Center of Health Statistics, (360) 236-4330; and Enforcement: Teresa Jennings, Center of Health Statistics, (360) 236-4307.

Name of Proponent: State Board of Health, Washington Department of Health, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposal incorporates federal changes to the birth, death, and fetal death certificates. The proposal removes items that are no longer relevant, not being used, or that cannot be reliably collected. The proposal adds items that address emerging health issues. The proposal also changes the format of the chapter so that it is easier to read and understand. The outcome of the rule change will be the collection of more relevant data, and increased clarity within the rule.

Proposal Changes the Following Existing Rules: The change adds new items, deletes some previously added, and deletes some items to birth, fetal death, and death certificates. The proposal also changes the format of the information described within the rule.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

This rule has been reviewed. A small business economic impact statement is required due to greater than minor costs for reporting amendments. Cost minimizing features have been included.

I. What does the rule or rule amendment require?

The rule requires that hospitals, funeral directors, and certifiers of causes of death collect information for birth, fetal death and death certificates that are slightly different from the United States standard certificates, but each on a form that is constructed and delivered by the Center for Health Statistics/DOH. The birth certificate data are collected by a web instrument form data that the hospitals and birthing centers generate on site from hospital records, and a work sheet filled in by parents.

The death certificate, which is being approved by this rule change, will not be in effect until January 1, 2004. Prior to that time, a mandatory legislative feasibility study on the proposed electronic collection of death certificates (EDRS) must be completed by December 31, 2002. This report to the legislature will discuss potential impacts, costs and savings of affected small businesses.

The rule to be amended defines the items included on vital statistics certificates provided by the Washington State Center for Health Statistics (CHS). This amendment is necessary because of recent changes in federal recommendations cited in Washington state law. RCW 70.58.055 requires CHS to use on its vital statistics certificates, at a minimum, the items recommended by the National Center for Health Statistics (NCHS). NCHS periodically revises its recommendations, to increase the relevance and quality of data collected on the certificates. Historically the national revision prompts

a revision of state certificates, to ensure nation-wide comparability and take advantage of improvements suggested by national reviews of the certificate items. Implementation of these recommendations for the birth and fetal death certificates is expected to take effect in January 2003. Implementation for the death certificate will be January 1, 2004.

The current rule changes modify the certificates only slightly. All persons or business affected have filled in and submitted these certificates as a part of their business practice since beginning their business. Birth certificate data are collected by a web instrument from data that the hospitals and birthing centers generate onsite from hospital records, and a work sheet filled in by parents. The death certificate, which is being approved by this rule change, will not be in effect until January 1, 2004. The change will not affect the methods by which funeral directors collect their information, since they rely upon informants—family members of the deceased, doctors, medical examiners, nursing home or hospital staff. However, additions, changes or deletions to each certificate were examined to determine if there are any disproportionate burdens to small business. There are two additions new to the certificate (*tribal reservation name and county of injury*). Based on other analyses, these items would add fifteen seconds to the completion time of each death certificate. There are six items deleted from the certificate (*License number of funeral director, Date pronounced dead, Time pronounced dead, Signature of person pronouncing death, License number of person pronouncing death, and Date person pronouncing death signed*). As a conservative estimate, the timesavings from the deletions would be at least thirty seconds per death certificate. Thus, the net change is fifteen seconds less for the new death certificate. For this reason, an item analysis for death certificates was not done.

Industries affected: This rule has been evaluated and the amendments may affect the following 4 digit SIC codes.

Midwives and hospitals (8049, 8062, 8069) are affected primarily by the birth certificate requirements. The remaining SICs (7261, 8011, 8031), are affected primarily by the fetal death certificate.

7261 - Funeral homes

8049 - Midwives & Clinics of physician assistants

8062 - General medical & surgical hospitals

8069 - Cancer hospitals, chronic disease hospitals, maternity hospitals, etc.

8011 - Clinics of physicians & Pathologists

8031 - Clinics of osteopathic physicians

II. Rule costs: Most of the rule amendment costs are exempt due to the fact that the rule adopts a federal or state law by reference. The remaining costs involving those parts of the rules that delete or add items, which may not be exempt, have been analyzed based on the time required to fill out the added information.

Reporting Costs: All of the costs of the rule amendments are reporting. For a breakdown of the labor cost of the reporting requirements see Table 1. For a worst case analysis the labor cost of the reporting requirement for a large hospital is \$1,582 and for a small hospital is \$12.51 per year. The large hospital is assumed to have 4,967 births and the small birthing hospital is assumed to have sixteen births per year.¹ Large hospitals generally have computer systems that automatically query for data and data entry is fast and done by a medical assistant with an hourly wage of \$12.07. The small birthing centers may have the data entry done by the RN who helped with delivery. The average hourly wage for the RN is \$24.22.²

The agency used an expert opinion³ to estimate the time it takes to enter data in the new data system that is being made available to all birthing centers.

The cost for fetal death certificates is minor. Since they are rare it is not considered here.

Table 1
Estimate of Cost of Rule for proposed 2003 Washington State Birth Certificate and U.S. Standard Certificate

	Required by		Status	Added time per birth	Large Hospitals		Small Hospitals	
	Federal Reg.	DOH Prop.			# Births/yr	Cost/birth ¹	# Births/yr	Cost/birth ²
					4967	16		
					Total \$	Total \$		
Changes to existing items:								
Place where birth occurred: add 'enroute'	Yes	—	Exempt					
Mother married? Split into two questions: Is mother married to the father? If no, was mother married to anyone during this pregnancy?	Yes	—	Exempt					
Mother's education: If 8th grade or less, add line to specify exact years of education	Yes	—	Exempt					
Father's education: If 8th grade or less, add line to specify exact years of education	Yes	—	Exempt					
Source of payment for delivery: Add 'Indian Health' and 'CHAMPUS'	Yes	—	Exempt					
Risk factors in this pregnancy: Add 'Group B streptococcus culture positive'	Yes	—	Exempt					
Infections present and/or treated during this pregnancy: Add 'HIV infection' and 'Other (specify)'	Yes		Exempt					

Added items:

Tribal reservation name (if applicable)	Yes	Eligible	10	0.0335	166.39	0.0673	1.08
Mother's telephone number	Yes	Eligible	5	0.0168	83.45	0.0336	0.54
Length of time at mother's current residence	Yes	Eligible	5	0.0168	83.45	0.0336	0.54
Mother's occupation and industry	Yes	Eligible	10	0.0335	166.39	0.0673	1.08
Father's occupation and industry	Yes	Eligible	10	0.0335	166.39	0.0673	1.08
Optional signature line for person reviewing the worksheet	Yes	Eligible	0	0	0	0	0
Infant head circumference	Yes	Eligible	60	0.2012	999.36	0.4037	6.46

Deleted items:

Date filed by registrar	Yes	Eligible	-5	-0.0168	-83.45	-0.0336	-0.54
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Total			95	0.3185	1581.99	0.6391	10.23
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¹Large hospital costs estimated based on work done by a "medical assistant," 31-9092, mean annual wage \$12.07/hour.

²Small hospital costs estimated based on work done by a "registered nurse," 29-1111, mean annual wage \$24.22/hour.

III. Is the cost disproportionate? This rule amendment has been reviewed and the cost is disproportionately high for small business. The cost for large hospitals is estimated to be \$.78 per employee and for small birthing centers \$.92 per employee.

Given that the cost is disproportionate for small business DOH must minimize the costs.

IV. What cost minimizing features were included?

A. Reducing, modifying, or eliminating substantive regulatory requirements: DOH eliminated one item from the birth certificate, requiring the date filed by the registrar.

B. Simplifying, reducing, or eliminating record-keeping and reporting requirements: Making the computer system web accessible means that it is far easier for the hospitals and other users to maintain records and file them than it was.

C. Reducing the frequency of inspections: There are no inspections.

D. Delaying compliance timetables: There is no change but DOH has made it easier to comply on time with the new WEB system.

E. Reducing or modifying fine schedules for noncompliance: There are no fines.

V. How will you involve small business in the rule making? Information was sent to approximately 1,960 hospitals, birth centers and other interested parties. Information was also placed on the Department of Health website with forms for comment. Those without access to the internet may request a packet of information through the United States mail.

The same people and organizations will be notified of the hearing scheduled for September 11, 2002.

¹Some hospitals have one or two births but these are generally emergencies.

²See sources on Table 1.

³Pat Starzyk, Research Investigator, Center for Health Statistics.

A copy of the statement may be obtained by writing to Suzanne Shillander, Center for Health Statistics, P.O. Box 47814, Olympia, WA 98504-7814, phone (360) 236-4308, fax (360) 753-4135.

RCW 34.05.328 does not apply to this rule adoption. Credentialed health care providers can be disciplined and sanctioned under RCW 18.130.180(7) of the Uniform Disci-

plinary Act for failing to comply with laws that apply to the practice of the particular profession. Because physicians and midwives are subject to the reporting requirements in RCW 70.58.080, this rule qualifies as legislatively significant.

Hearing Location: 2002 Mount Vernon Best Western Cottontree Inn & Conference Center, 2401 Riverside Drive, Mount Vernon, WA 98273, phone (360) 428-5678, fax (360) 848-5285, on September 11, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Desiree Robinson at (360) 236-4107, TDD (1) 800 or (833) 6388.

Submit Written Comments to: Suzanne Shillander, Center for Health Statistics, P.O. Box 47814, Olympia, WA 98504-7814, fax (360) 753-4135, by September 10, 2002.

Date of Intended Adoption: September 11, 2002.

August 1, 2002

M. C. Selecky, Secretary

August 2, 2002

Don Sloma, Director

NEW SECTION

WAC 246-491-001 Purpose. RCW 70.58.055 requires certificates for vital records to include, at a minimum, items recommended by the federal agency responsible for national vital statistics. RCW 70.58.055 allows the state board of health to require additional information for the confidential section of the birth certificate, and eliminate items from the federal forms that it identifies as not necessary for statistical study.

RCW 43.70.150 requires the secretary of the department of health to operate and maintain a state system for registering births, deaths, fetal deaths, marriages, divorce decrees, annulments and separations. RCW 43.70.160 requires the state registrar to prepare, print and supply the forms for registering, recording, and preserving vital statistics. These rules identify the forms used and information collected by the state on live birth, death, fetal death, marriage, divorce, dissolution of marriage and annulment.

NEW SECTION

WAC 246-491-010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

- (1) "Board" means the state board of health.
- (2) "Department" means the department of health.

AMENDATORY SECTION (Amending Order 196B, filed 9/26/91, effective 10/27/91)

WAC 246-491-029 (~~(Adoption of)~~) Information collected on the confidential section of live birth and fetal death certificates; modifications to the United States standard certificates and report(~~(—Modifications)~~) forms. (~~(Pursuant to chapter 70.58 RCW, the Washington state board of health adopts and approves for use in the state of Washington,)~~ (1) Effective January 1, ((1992)) 2003, the department shall use the ((1988)) 2003 revisions of the United States standard forms of live birth and fetal death as the basis for the state certificates of live birth and fetal death. These forms are developed by the United States Department of Health and Human Services, National Center for Health Statistics. (~~(The board of health shall make the following modifications to the confidential section of the U.S. standard certificate of live birth and U.S. standard report of fetal death:)~~)

- (2) Copies of these forms may be obtained by contacting the department's center for vital statistics.
- (3) Tables 1 and 2 list the statistical information contained in the confidential sections of the birth and fetal death certificates that the board requires the department to collect, and the differences between the state and U.S. standard.

~~((u.s. standard certificate of live birth~~

- Add "Spanish" to "of Hispanic origin."
- Add "or descent? (ancestry)" to "of Hispanic origin."
- Add "Asian or Pacific Islander" to "race."
- Add "occupation" and "type of business or industry" for both parents.
- Add "parental identification of ethnicity and race of child."
- Add "twenty weeks or more, less than twenty weeks" to "pregnancy history."
- Add separate categories for "spontaneous" and "induced" terminations to "pregnancy history."
- Add "total prior pregnancies."
- Add under the heading "medical risk factors for this pregnancy," "polyhydramnios, genital herpes, syphilis, hepatitis B-HB_sAg positive."
- Add under the heading "method of delivery," "C-section with no labor, C-section with trial of labor."
- Add under the heading "abnormal conditions of the newborn," drug withdrawal syndrome in newborn.
- Delete under 38a "hydramnios."
- Delete under item 37b "name of facility infant transferred to."

~~((u.s. standard certificate of live birth~~

- Add under the heading "other risk factors for pregnancy," "weight before pregnancy."
- Add under the heading "complication of labor and/or delivery," "nuchal cord."
- Change "tobacco use during pregnancy" to "did mother smoke at any time during pregnancy"?
- Add "principal source of payment for prenatal care."
- Add "during pregnancy mother participated in (special programs)."

U.S. STANDARD CERTIFICATE OF LIVE BIRTH

**TABLE 1:
Confidential Birth Certificate Items**

<u>Item Number</u>	<u>Item Name</u>	<u>Difference from U.S. Standard, if any</u>
15	<u>Is mother married to the father?</u> <u>If no, was mother married to anyone during the pregnancy?</u> <u>Has the paternity affidavit been signed?</u>	Added
20	<u>Mother's education</u>	Add "Specify": next to box for "8th Grade or less"
21	<u>Mother of Hispanic origin?</u>	
22	<u>Mother's race</u>	
23	<u>Mother's occupation</u>	Added
24	<u>Mother's kind of business/industry</u>	Added
29	<u>Father's education</u>	Add "Specify": next to box for "8th Grade or less"
30	<u>Father of Hispanic origin?</u>	
31	<u>Father's race</u>	
32	<u>Father's occupation</u>	Added
33	<u>Father's kind of business/industry</u>	Added
34	<u>Mother's medical record number</u>	
35	<u>Mother's prepregnancy weight</u>	
36	<u>Mother's weight at delivery</u>	
37	<u>Mother's height</u>	

PROPOSED

PROPOSED

- 38 Did mother get WIC food for herself during pregnancy?
- 39 Cigarette smoking before and during pregnancy
- 40a Number of previous live births
- 40b Date of last live birth
- 41a Number of other pregnancy outcomes
- 41b Date of last other pregnancy outcome
- 42a Date of first prenatal care visit
- 42b Date of last prenatal care visit
- 43 Total number of prenatal visits for this pregnancy
- 44 Date last normal menses began
- 45 Was mother transferred to higher-level care for maternal medical or fetal indications for delivery?
- 46 Principal source of payment for this delivery
- 47 Newborn medical record number
- 48 Birth weight
- 49 Infant head circumference
- 50 Obstetric estimate of gestation
- 51 Apgar score at 5 min; if score is less than 6, score at 10 minutes
- 52 Plurality
- 53 If not single birth - born 1st, 2nd, 3rd etc.
- 54 Was infant transferred within 24 hours of delivery?
- 55 Is infant living at time of the report?
- 56 Is infant being breastfed?
- 57 Risk factors in this pregnancy
- 58 Method of delivery

Add "Indian Health" and "CHAMPUS"

Added

Add "Group B streptococcus culture positive"

- 59 Infections present and/or treated during this pregnancy Add "HIV infection" and "Other: Specify"
- 60 Obstetric procedures
- 61 Abnormal conditions of the newborn
- 62 Characteristics of labor and delivery
- 63 Congenital anomalies of the newborn
- 64 Maternal morbidity
- 65 Onset of labor

((u.s. standard report of fetal death

- Add "or descent? (ancestry)" to "of Hispanic origin."
- Add "Spanish" to "of Hispanic origin."
- Add "Asian or Pacific Islander" to "race."
- Add "twenty weeks or more, less than twenty weeks" to "other pregnancy outcomes."
- Add under the heading "medical risk factors for this pregnancy" "polyhydramnios, first trimester bleeding, epilepsy, genital herpes, syphilis."
- Add separate categories for "spontaneous" and "induced" terminations to "pregnancy history."
- Add "total prior pregnancies."
- Add "fetal hemorrhage, placenta and cord conditions (specify), hemolytic disease, fetal hydrops, shoulder dystocia, other (specify), and none."
- Add "C-section with no labor" and "C-section with trial of labor."
- Add under the heading "other risk factors for pregnancy," "weight before pregnancy."
- Change "tobacco use during pregnancy" to "did mother smoke at any time during pregnancy"?
- Add "principal source of payment for prenatal care."
- Add "during pregnancy mother participated in (special programs)."
- Delete under item 23a "hydramnios and uterine bleeding."
- Delete under item 26 "hysterotomy/hysterectomy."))

U.S. STANDARD REPORT OF FETAL DEATH

TABLE 2:

Confidential Fetal Death Certificate Items

<u>Item Number</u>	<u>Item Name</u>	<u>Difference from U.S. Standard, if any</u>
38	<u>Weight of fetus</u>	
39	<u>Obstetric estimate of gestation</u>	
40	<u>Plurality</u>	

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~~U.S. STANDARD CERTIFICATE OF DEATH:~~

- Add "smoking in last fifteen years."
- Add "or descent" after "of Hispanic origin."
- Add "length of residence."
- Add "date of disposition."
- Add "medical examiner/coroner file number."
- Add "hour pronounced dead (24 hours)."
- Add "record amended section."
- Delete "license number (funeral director)" under item 21b.
- Delete "license number (certifier)" under item 23b.
- Delete "were autopsy findings available prior to completion of cause of death yes/no" under item 28b.
- Delete check boxes under item 20a.
- Delete "donation" under item 20a.
- Delete check boxes under item 31a.
- Delete item 32.
- Delete "inpatient" under item 9a.
- Delete check boxes under item 29.
- Delete "natural" under item 29.

~~U.S. STANDARD REPORT OF FETAL DEATH:~~

- Add "fetus name."
- Add "time of delivery."
- Add "place of delivery."
- Add "state of birth."
- Add "registrar signature."
- Add "date filed."
- Add "burial, cremation, removal, other (specify)."
- Add "date (burial)."
- Add "cemetery/crematory name."
- Add "location (cemetery)."
- Add "funeral director signature."
- Add "name of facility."
- Add "address of facility."
- Add "autopsy yes/no."
- Add "were autopsy findings used to complete the cause of death"?
- Add "certification statement."
- Change title to "certificate of fetal death."

~~U.S. STANDARD LICENSE AND CERTIFICATE OF MARRIAGE:~~

- Change title to "certificate of marriage."
- Add "type of ceremony (religious/civil ceremony)."
- Add "officiant date signed."
- Add "inside of city limits for bride and groom."
- Delete "age last birthday" for the groom under item 2.
- Delete "age last birthday" for the bride under item 9.
- Delete "license to marry" section.

~~U.S. STANDARD LICENSE AND CERTIFICATE OF MARRIAGE:~~

- Delete "expiration date of license" under item 17.
- Delete "title of issuing official" under item 20.
- Delete "confidential information" under items 27 through 30b.

~~U.S. STANDARD CERTIFICATE OF DIVORCE, DISSOLUTION OF MARRIAGE, OR ANNULMENT:~~

- Change title to "certificate of dissolution, declaration of invalidity of marriage or legal separation."
- Add check boxes for "type of decree."
- Add "inside city limits" for both parties.
- Delete "date couple last resided in same household" under item 11.
- Change "number of children under eighteen in this household as of this date" to "number of children born alive of this marriage" under item 12.
- Delete check boxes for "petitioner" under item 13.
- Delete section "number of children under eighteen whose physical custody was awarded to" under item 18.
- Delete "title of court" under item 20.
- Delete "title of certifying official" under item 22.
- Delete "date signed" under item 23.
- Delete "confidential information" under items 24 through 27b.))

U.S. STANDARD CERTIFICATE OF LIVE BIRTH

Table 3:
Legal or Public Birth Certificate Items

<u>Item Number</u>	<u>Item Name</u>	<u>Difference from U.S. Standard, if any</u>
<u>1</u>	<u>Child's name</u>	
<u>2</u>	<u>Child's date of birth</u>	
<u>3</u>	<u>Time of birth</u>	
<u>4</u>	<u>Type of birthplace</u>	Add "En route"
<u>5</u>	<u>Child's sex</u>	
<u>6</u>	<u>Name of facility</u>	
<u>7</u>	<u>City, town or location of birth</u>	
<u>8</u>	<u>County of birth</u>	
<u>9</u>	<u>Mother's name before first marriage</u>	
<u>10</u>	<u>Mother's date of birth</u>	
<u>11</u>	<u>Mother's birthplace</u>	
<u>12</u>	<u>Mother's Social Security number</u>	
<u>13</u>	<u>Mother's current legal last name</u>	

U.S. STANDARD CERTIFICATE OF LIVE BIRTH

U.S. STANDARD REPORT OF FETAL DEATH

Table 3:

Table 4:

Legal or Public Birth Certificate Items

Legal or Public Fetal Death Certificate Items

<u>Item Number</u>	<u>Item Name</u>	<u>Difference from U.S. Standard, if any</u>
14	<u>Social Security number requested for child?</u>	
16a	<u>Mother's residence - number, street, and Apt. No.</u>	
16b	<u>Mother's residence - city or town</u>	
16c	<u>Mother's residence - county</u>	
16d	<u>Tribal reservation name (if applicable)</u>	<u>Added</u>
16e	<u>Mother's residence - state or foreign country</u>	
16f	<u>Mother's residence - zip code + 4</u>	
16g	<u>Mother's residence - inside city limits?</u>	
17	<u>Telephone number</u>	<u>Added</u>
18	<u>How long at current residence?</u>	<u>Added</u>
19	<u>Mother's mailing address, if different</u>	
25	<u>Father's current legal name</u>	
26	<u>Father's date of birth</u>	
27	<u>Father's birthplace</u>	
28	<u>Father's Social Security number</u>	
66	<u>Certifier name and title</u>	<u>Delete check boxes</u>
67	<u>Date certified</u>	
68	<u>Attendant name and title</u>	<u>Delete check boxes</u>
69	<u>NPI of person delivering the baby</u>	
—	<u>Date filed by registrar</u>	<u>Deleted</u>

<u>Item Number</u>	<u>Item Name</u>	<u>Difference from U.S. Standard, if any</u>
1	<u>Name of fetus</u>	
2	<u>Sex</u>	
3	<u>Date of delivery</u>	
4	<u>Time of delivery</u>	
5	<u>Type of birthplace</u>	<u>Add "En route"</u>
6	<u>Name of facility</u>	
7	<u>Facility ID (NPI)</u>	
8	<u>City, town or location of birth</u>	
9	<u>Zip code of delivery</u>	
10	<u>County of birth</u>	
11	<u>Mother's name before first marriage</u>	
12	<u>Mother's date of birth</u>	
13	<u>Mother's current legal last name</u>	
14	<u>Mother's birthplace</u>	
15a	<u>Mother's residence - number, street, and Apt. No.</u>	
15b	<u>Mother's residence - city or town</u>	
15c	<u>Mother's residence - county</u>	
15d	<u>Tribal reservation name (if applicable)</u>	<u>Added</u>
15e	<u>Mother's residence - state or foreign country</u>	
15f	<u>Mother's residence - zip code + 4</u>	
15g	<u>Mother's residence - inside city limits?</u>	
16	<u>How long at current residence?</u>	<u>Added</u>
17	<u>Father's current legal name</u>	
18	<u>Father's date of birth</u>	
19	<u>Father's birthplace</u>	
20	<u>Name and title of person completing the report</u>	
21	<u>Date report completed</u>	
22	<u>Attendant name and title</u>	<u>Delete check boxes</u>

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U.S. STANDARD REPORT OF FETAL DEATH

Table 4:

Legal or Public Fetal Death Certificate Items

<u>Item Number</u>	<u>Item Name</u>	<u>Difference from U.S. Standard, if any</u>
23	<u>NPI of person delivering the baby</u>	
24	<u>Method of disposition</u>	
25	<u>Date of disposition</u>	
26	<u>Place of disposition</u>	<u>Added</u>
27	<u>Location of disposition - city/town and state</u>	<u>Added</u>
28	<u>Name and complete address of funeral facility</u>	<u>Added</u>
29	<u>Funeral director signature</u>	<u>Added</u>
30	<u>Initiating cause/condition (cause of death)</u>	
31	<u>Other significant causes or conditions</u>	
32	<u>Estimated time of fetal death</u>	
33	<u>Was an autopsy performed?</u>	
34	<u>Was a histological placental examination performed?</u>	
35	<u>Were autopsy or histological placental examination results used in determining the cause of death?</u>	
36	<u>Registrar signature</u>	<u>Added</u>
37	<u>Date received</u>	

U.S. STANDARD CERTIFICATE OF DEATH

Table 5:

Death Certificate Items

<u>Item Number</u>	<u>Item Name</u>	<u>Difference from U.S. Standard, if any</u>
6	<u>County of death</u>	
7	<u>Birth date</u>	
8a	<u>Birth place - city, town or county</u>	
8b	<u>Birth place - state or foreign country</u>	
9	<u>Decedent's education</u>	<u>Add "Specify": next to box for "8th Grade or less"</u>
10	<u>Decedent's Hispanic origin</u>	
11	<u>Decedent's race</u>	
12	<u>Was decedent ever in U.S. Armed Forces?</u>	
13a	<u>Residence - number and street</u>	
13b	<u>Residence - city or town</u>	
13c	<u>Residence - county</u>	
13d	<u>Tribal reservation name (if applicable)</u>	<u>Added</u>
13e	<u>Residence - state or foreign country</u>	
13f	<u>Residence - zip code</u>	
13g	<u>Inside city limits?</u>	
14	<u>Estimated length of time at residence</u>	<u>Added</u>
15	<u>Marital status at time of death</u>	
16	<u>Surviving spouse's name</u>	
17	<u>Occupation</u>	
18	<u>Kind of business/industry</u>	
19	<u>Father's name</u>	
20	<u>Mother's name before first marriage</u>	
21	<u>Informant - name</u>	
22	<u>Informant - relationship to decedent</u>	
23	<u>Informant - address</u>	
24	<u>Place of death</u>	
25	<u>Facility name (if not a facility, give number and street)</u>	

U.S. STANDARD CERTIFICATE OF DEATH

Table 5:

Death Certificate Items

<u>Item Number</u>	<u>Item Name</u>	<u>Difference from U.S. Standard, if any</u>
1	<u>Legal name (include a.k.a.'s if any)</u>	
2	<u>Death date</u>	
3	<u>Sex</u>	
4a	<u>Age - years</u>	
4b	<u>Age - under 1 year</u>	
4c	<u>Age - under 1 day</u>	
5	<u>Social Security number</u>	

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U.S. STANDARD CERTIFICATE OF DEATH

**Table 5:
Death Certificate Items**

<u>Item Number</u>	<u>Item Name</u>	<u>Difference from U.S. Standard, if any</u>
26a	City, town, or location of death	
26b	State of death	
27	Zip code of death	
28	Method of disposition	
29	Place of disposition (name of cemetery, crematory, other place)	
30	Disposition - city/town, and state	
31	Name and complete address of funeral facility	
32	Date of disposition	Added
33	Funeral director signature	
34	Causes of death and intervals between onset and death	
35	Other significant conditions contributing to death	
36	Autopsy?	
37	Were autopsy findings available to complete the cause of death?	
38	Manner of death	
39	Pregnancy status	
40	Did tobacco use contribute to death?	
41	Date of injury	
42	Hour of injury	
43	Place of injury	
44	Injury at work?	
45	Injury location - street, city, county, state, zip	County Added
46	Describe how injury occurred	
47	Transport injury type	
48a	Certifying physician signature	
48b	Medical examiner/coroner signature	
49	Name and address of certifier	
50	Hour of death	

U.S. STANDARD CERTIFICATE OF DEATH

**Table 5:
Death Certificate Items**

<u>Item Number</u>	<u>Item Name</u>	<u>Difference from U.S. Standard, if any</u>
51	Name and title of attending physician if other than certifier	Added
52	Date certified	
53	Title of certifier	
54	License number of certifier	
55	ME/coroner file number	Added
56	Was case referred to medical examiner?	
57	County registrar signature	Added
58	County date received	Added
59	Record amendment	Added
—	License number of funeral director	Deleted
—	Date pronounced dead	Deleted
—	Time pronounced dead	Deleted
—	Signature of person pronouncing death	Deleted
—	License number of person pronouncing death	Deleted
—	Date person pronouncing death signed	Deleted

U.S. STANDARD LICENSE AND CERTIFICATE OF MARRIAGE

**Table 6:
Certificate of Marriage**

<u>Item Number</u>	<u>Item Name</u>	<u>Difference from U.S. Standard, if any</u>
—	Certificate name	Changed name of form to "Certificate of Marriage"
—	County of license	
—	Date valid	
—	Not valid after (date)	
1	Date of marriage	
2	County of ceremony	
3	Type of ceremony	Added
4	Date signed (by officiant)	Added
5	Officiant's name	
6	Officiant's signature	
7	Officiant's address	

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<u>22</u>	<u>Place of marriage - county</u>	
<u>23</u>	<u>Place of marriage - state</u>	
<u>24</u>	<u>Date of marriage</u>	
<u>25</u>	<u>Number of children of this marriage</u>	<u>Name change</u>
<u>26</u>	<u>Petitioner</u>	<u>Delete check boxes</u>
<u>27</u>	<u>Name of petitioner's attorney/pro se</u>	
<u>28</u>	<u>Petitioner's address</u>	
<u>29</u>	<u>Husband's Social Security number</u>	
<u>30</u>	<u>Wife's Social Security number</u>	
	<u>Date couple last resided in same household</u>	<u>Delete</u>
	<u>Number of children under 18 whose physical custody was awarded to</u>	<u>Delete</u>
	<u>Title of court</u>	<u>Delete</u>
	<u>Title of certifying official</u>	<u>Delete</u>
	<u>Date signed</u>	<u>Delete</u>
	<u>Confidential information</u>	<u>Delete</u>

WSR 02-16-101
PROPOSED RULES
DEPARTMENT OF HEALTH
 (Dental Hygiene and Dental Programs)
 [Filed August 7, 2002, 11:57 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-12-094.

Title of Rule: Access to dental care: WAC 246-814-010 Purpose, 246-814-020 Practices authorized, 246-814-030 Application process and documentation of training required to qualify for endorsement, 246-814-040 Training and the provision of services, and 246-814-990 Endorsement fees for dental assistants and dental hygienists, no renewal of endorsement.

Purpose: To implement RCW 18.29.220 and 18.32.226, which establishes endorsements to enhance the authority for dental hygienists and dental assistants to provide sealant and fluoride varnish treatment to low-income, rural and other at risk children through schools in coordination with the local public health jurisdictions and local oral health coalitions.

Other Identifying Information: The rules further clarify the statutes, establishes a fee and procedures for obtaining an endorsement by a dental hygienist or dental assistant.

Statutory Authority for Adoption: RCW 43.70.650.

Statute Being Implemented: RCW 18.29.220 and 18.32.226.

Summary: These rules clarify RCW 18.29.220 and 18.32.226, which are intended to improve access to dental care for low-income, rural and other at risk children by enhancing the authority of dental hygienists and dental assistants to provide dental sealant and/or fluoride varnish treatment for children in school-based programs. The Department of Health encourages partnerships within geographical regions and among participants in the oral health care community in implementing this legislation.

Reasons Supporting Proposal: Provides a better understanding of the law, establishes procedures, requirements, a fee and consistencies for multiple participants.

Name of Agency Personnel Responsible for Drafting: Carol L. Lewis, Olympia, Washington, (360) 236-4857; Implementation and Enforcement: Vicki Brown and Lisa Anderson, Olympia, Washington, (360) 236-4857.

Name of Proponent: Department of Health, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of these rules is to implement RCW 18.29.220 and 18.32.226, which is intended to provide more access to dental care for low-income, rural and other at risk children. The rules provide a better understanding of the law and provide procedures/requirements for dental hygienists and dental assistants to obtain an endorsement, which will authorize them to provide sealant and/or fluoride varnish treatment to children in the specified populations that are not currently receiving the needed care to be carried out through schools and in coordination with the local public health jurisdictions and local oral health coalitions.

Proposal does not change existing rules.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

These new rules have been reviewed and the Department of Health (DOH) has determined that the rule has a disproportionate impact on small business and cost minimization has been provided. Most rule content is dictated by law, however, following the Washington State Department of Health sealant and fluoride varnish program guidelines and record keeping are not directed by statute and impose costs.

The rules will clarify the qualifications of the practitioners for authorization to provide the sealants and fluoride varnishes to low-income rural and at risk children through schools. Further clarification is provided on the required coordination and protocols for the practitioners, local public health jurisdictions and local oral health coalitions in the provision of the specified services.

The affected businesses are classified under Standard Industrial Classification Code 8099 Health and allied services, not elsewhere classified. If the individuals providing the sealants and fluoride varnishes incorporate this is the code into which they will most likely be placed.¹

The following rule content is dictated by statute or referenced by state law and is exempt under:

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- RCW 19.85.025(2) which refers to the list in RCW 34.05.310 (4)(c), rules adopting or incorporating by reference without material change to federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, *as referenced by Washington state law*, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- RCW 34.05.310 (4)(e), rules the content of which is *explicitly and specifically dictated by statute*:

Dental Hygienists: The law allows dental hygienists to apply sealant and fluoride varnishes without dental supervision. This part of the program may compete with existing dental offices and cause them to lose sales and revenue. The shift is dictated by RCW 18.29.220. However, this shift of activity will only take place through schools for low-income, rural and other at risk children in coordination with the LHJs and local oral health coalitions.

Local Public Health: The rules clarify the statutory requirement of the practitioners to coordinate with the local public health jurisdictions, however, the law does not require the local public health jurisdictions to create a program and coordinate with the practitioners.

Fees: The rule content adjusts fees based on the law and is exempt under RCW 19.85.025(2) and 34.05.310 (4)(f), rules that set or adjust fees or rates pursuant to legislative standards. To determine the appropriate fees to charge for the endorsements as provided by chapter 43.70 RCW the processing of reviewing, approving and issuing an endorsement was used to calculate the costs. This includes FTE time, printing, postage and supplies and the estimated transactions resulting in the fee required to cover those costs to provide the endorsements.

The following rule content imposes costs:

Dental Assistants: RCW 18.32.226 requires dental assistants employed by a Washington licensed dentist for 200 hours after April 19, 2001, to apply to DOH for an endorsement to apply sealants and fluoride varnishes under the "general supervision" of a dentist in coordination with the local public health jurisdictions and local oral health coalitions carried out through schools for low-income, rural and other at risk children. To apply for an endorsement, the law requires completion of the Washington state school sealant endorsement program, which is the "guidelines" described in WAC 246-814-040.

Dental Hygienists: RCW 18.29.220 requires dental hygienists licensed after April 19, 2001, to apply to DOH for an endorsement to assess for and apply sealants and/or fluoride varnishes in coordination with the local public health jurisdictions and local oral health coalitions carried out through schools for low-income, rural and other at risk children. To apply for the endorsement, the law requires completion of the Washington state school sealant endorsement program, which is the "guidelines" described in WAC 246-814-040. DOH has already provided endorsements to dental hygienists licensed prior to or on April 19, 2001.

The Guidelines: RCW 18.29.220 and 18.32.226 requires completion of the "school sealant endorsement program." DOH believes that this refers to existing training given on DOH sealant program guidelines that have been in existence since 1999. These guidelines are currently being revised to include fluoride varnish and the 2002 version is adopted by this rule reference. Without the fluoride varnish guidelines there would not be any parameters to enable the practitioners to design the appropriate program and treatment services. The "guidelines" are designed to provide the procedures required for the LHJs and practitioners to carry out the oral health services as provided under these statutes. There are multiple sources provided to acquire the training, which is intended to provide as much flexibility and the least burden on the practitioners. They are the following:

1) Graduation from a dental assisting or dental hygiene educational program, accredited by the American Dental Association, which has incorporated the "guidelines."

2) Continuing education courses which teach the "guidelines" standards.

3) Independent-study provided through an American Dental Association accredited program, which has incorporated the "guidelines" standards.

4) Dental assistants and dental hygienists may obtain individualized training of the "guidelines" from a Washington licensed dentist.

The guidelines impose costs in two forms: Training and practices. These are quantified in Tables 1 and 2 for hygienists and assistants respectively. DOH has tried to estimate the costs at the high end of the spectrum in order to be conservative in assessing the disproportionate impact.

DOH believes that the hygienists and assistants may incorporate within the SIC 8099 "Health and allied services, nec" and that these incorporated businesses may cover the costs of compliance with this rule. The expected cost on a per child basis of complying with the items in the guidelines is \$46.80 and \$42.81 for hygienists and assistants respectively. The companies will then receive payment from Medicaid of \$88.88 per child.

In addition DOH expects there will be a cost of \$50 for records for the application for the endorsement program.

DOH believes that all these businesses will be very small and will have at most one employee, for example one dentist with one dental assistant. However, the law requires that the ratios to estimate disproportionality be based on four digit data. Therefore a worst-case scenario was used to estimate costs. The costs for a two-person firm of a dentist and a dental assistant was compared with the costs for a single person firm of a dental hygienist. Based on this assumption the rule does have a disproportionate impact (see Table 3). Cost minimization is required.

Cost Minimizing Features: DOH has considered many alternative versions of the rule. The law constrains DOH in how the rule was written. We have considered the following cost minimizing items required in RCW 19.85.030:

- (a) Reducing, modifying, or eliminating substantive regulatory requirements;
- DOH has already issued endorsements to all 3,961 licensed dental hygienists that were "grand-parented

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- in" and who could choose to apply for an endorsement. This eliminated the requirement for the hygienists to apply for an endorsement if they wanted one.
- Renewals of the endorsement for the dental hygienists and the dental assistants are not being required. This provides a one-time endorsement requirement.
- The use of the Washington State Department of Health sealant and fluoride varnish program guidelines are voluntary for the local public health jurisdictions.
- (b) Simplifying, reducing, or eliminating record-keeping and reporting requirements;
 - The application process for dental hygienists and the review/approval process were eliminated for the "grand-parented" dental hygienists by issuing all in this category an endorsement.
 - By not requiring an endorsement renewal, the reporting and paperwork for renewal of the hygienists and assistants were eliminated.
 - For those who are not "grand-parented in" the record keeping required for applying for an endorsement was simplified and reduced to one or two documents.
- (c) Reducing the frequency of inspections;
 - No inspections are required.
- (d) Delaying compliance timetables;
 - No compliance timetables are required.

- (e) Reducing or modifying fine schedules for noncompliance; or
 - There are no fine schedules for noncompliance. However, disciplinary action could be taken against the hygienist and the dentist supervising the assistant for not complying with the requirements imposed upon them for unprofessional conduct under the Uniform Disciplinary Act, chapter 18.130 RCW.
- (f) Any other mitigation techniques.
 - DOH has tried to make it easy to obtain an endorsement so that the new businesses could start up.

How did DOH involve small business in the rule making? Mailings were sent out to 5,000 dentists, 4,500 dental hygienists, thirty-four local public health jurisdictions, the Office of the Superintendent of Public Instruction, the Washington State Dental Association, the Washington State Dental Hygienists' Association, the dental hygiene and dental assisting educators and to DOH dental and dental hygiene programs interested parties.

Two open forums were held, one in Yakima and one in Seattle Washington. By invitation, approximately five other groups of interested parties were provided presentations and an opportunity for comment. Comments, concerns and suggestions were submitted in writing by mail, verbally and by e-mail.

**Chapter 246-814 WAC
Analysis Review**

Rule part	Information Provided by Rule — No analyzable impact	Exempted from SBEIS - dictated by RCW 18.29.220 and 18.32.226	Cost Benefit Analysis and SBEIS Required
WAC 246-814-010	WAC 246-814-010 Purpose. The intent of the legislation.		
WAC 246-814-020	WAC 246-814-020 Practices authorized. The different practice parameters for hygienists and assistants for this chapter only.		
WAC 246-814-030	WAC 246-814-030 (1) and (5) Application process and documentation of training required to qualify for endorsement. (1) Endorsements issued to 3,961 hygienists "grand-parented" on or before April 19, 2001. (5) Washington state DOH sealant/fluoride varnish program guidelines and geographical protocols that should be used for hygienists, assistants, dentists and local public health jurisdictions personnel.		

PROPOSED

		<p>WAC 246-814-030 (2)(a)(b)(c), (3), (4)(a)(b) and (6) Application process and documentation of training required to qualify for endorsement.</p> <p>(2)(a)(b)(c) Hygienist endorsement criteria.</p> <p>(3) Dental assistants "grand-parented" on or before April 19, 2001.</p> <p>(4)(a)(b) Assistant endorsement criteria.</p> <p>(6) Requirement of hygienists, assistants and dentists to participate in oral health coalition meetings as part of coordination requirement.</p>	<p>WAC 246-814-030 (2)(d), (4)(c) and (d) Application process and documentation of training required to qualify for endorsement.</p> <p>(2)(d) Hygienists required to complete Washington state DOH sealant/fluoride varnish program guidelines training.</p> <p>(4)(c) Assistants required to have sealant/fluoride varnish theoretical and clinical training within 200 hours of employment under a dentist.</p> <p>(4)(d) Assistants required to complete Washington state DOH sealant/fluoride varnish program guidelines training.</p>
WAC 246-814-040	<p>WAC 246-814-040 (1) and (2) Training and the provision of services.</p> <p>(1) The Washington state DOH sealant/fluoride varnish program guidelines are published, provided and maintained by the DOH.</p> <p>(2) The usage by hygienists, assistants, LHJs and the content of the Washington state DOH sealant/fluoride varnish program guidelines.</p>		<p>WAC 246-814-040(3) Training and the provision of services.</p> <p>(3) The training of the Washington state DOH sealant/fluoride varnish program guidelines for hygienists, assistants and dentists and the approved sources for acquiring the training.</p>
WAC 246-814-990		<p>WAC 246-814-990 Endorsement fees for dental assistants and dental hygienists, renewal of endorsement not required. Establishes a fee for hygienist and assistant endorsements and no renewal requirement for both.</p>	

LHJ		VOLUNTARY - no costs are imposed by the rule	
	18	site	
	30	per hour	
	5	hours per site	
\$	2,700.00	Site Costs	
			hours
	14	data and planning	8 tabulate
			6 plan
\$	420.00	oversite costs	
\$	3,120.00	LHJ cost	

PROPOSED

	14000	kids				
			Assumptions			
	\$ 0.22	LHJ cost per child	Hours per site		Hour to prep/clean up	
	778	kids per site	389	49	1.5	73
Hygienist	Required by the rule through the guidelines					
	Hours					
	5	Coordination with LHJ				
	1	Develop a plan				
	5	Coordination with school				
	73	Set up/cleanup the site	Assumes mobile unit			
	389	Deliver the services				
	65	Collect data on the child and what was done for the child				
	8	Generate summary data				
	194	Recheck in one year				
	65	Assess their outcomes	Hour per year	Sites per year		
	805	Hours per site	1790	2.223935026		
	1	Hours per child				
	\$ 32.22	hourly wage for hygenist				
	\$ 66.37	Training cost per site				
	\$ 25,999.6	Hygenists cost per site				
	40%	Capital overhead factor				
	\$ 36,399	Total cost per site				
	\$ 46.80	Cost per child				
School						
	65	Send home permission slips				
	5	Plan times and places				
	70	Total hours				
	\$ 24.22	Cost per hour for school nurse	http://www.bls.gov/oes/2000/oes_wa.htm#b31-0000			
	\$ 1,690.91	Cost for school	29-1111			
Endorsement records						
	\$ 50.00	Cost of endorsement record keeping				
Totals						
	\$ 38,140.34	Total cost for site and delivery at the site				
	\$ 49.04	Total cost per kid				
	\$ 88.88	Medicaid payment per child				

Table 2: Costs for Dental Assistants						
LHJ	Voluntary and does not count					
	18	site				
	30	per hour				
	5	hours per site				
	\$ 2,700.00	Site costs				
	14	data and planning	hours			
			8	tabulate		

PROPOSED

			6	plan		
	\$ 420.00	oversite costs				
	\$ 3,120.00	LHJ cost				
	14000	kids				
			Assumptions			
	\$ 0.22	LHJ cost per child	Hours per	Days	Hour to clean up	Total
	778	kids per site	389	49	1.5	73
Dentist's costs		Required through the law and initiated by the rule				
Dentist oversite						
194	Dentist time checking children					
\$ 59.88	\$ per hour					http://www.bls.gov/oes/2000/oes_wa.htm#b31-0000
40%	overhead					29-1020
\$ 16,301						
Assistant	Hours	Required by the rule through the guidelines				
	5	Coordination with LHJ				
	1	Develop a plan				
	5	Coordination with school				
	73	Set up the site	Assumes mobile unit			
	389	Deliver the services				
	65	Collect data on the child and what was done for the child				
	8	Generate summary data				
	194	Recheck in one year				
	65	Assess their outcomes	Hour per year		Sites per year	
	805	Hours per site	1790		2.223935026	
	1	Hours per child				
	\$ 15.00	hourly wage for hygenist				
	\$ 66.37	Training cost per site				
	\$ 12,139.6	Hygenists cost per site				
	40%	Capital overhead factor				
	\$ 16,301	Dentist oversite per site				
	\$ 33,296	Total cost per site				
	\$ 42.81	Cost per child				
School						
	65	Send home permission slips				
	5	Plan times and places				
	70	Total hours				
	\$ 24.22	Cost per hour for school nurse			http://www.bls.gov/oes/2000/oes_wa.htm#b31-0000	
	\$ 1,690.91	Cost for school			29-1111	
Endorsement records						
	\$ 50.00	Cost of endorsement record keeping				

PROPOSED

Totals					
	\$ 35,036.97	Total cost for site and delivery at the site			
	\$ 45.05	Total cost per kid			
	\$ 88.88	Medicaid payment per child			

Table 3:

SBEIS Ratios	
First determine average employment for small and large businesses	
How many firms are in the SIC?	93
This many firms make up the top 10%	9.3
Check the list and see how close you can get to the right number of firms. Note, if there is a mark it means less than 3	
How many firms did you select for the top 10%?	4
How many employees are in the top 10%?	257
This is the average number of employees for the top 10% firms	64.25
<i>For the small businesses choose all the firms with 50 or fewer employees that were not in the top 10% category</i>	
How many firms did you select for the small businesses?	86
How many employees work for the small businesses?	601
This is the average number of employees working for small businesses	6.99
Next Determine the costs for small and large businesses	
** based on covering 2.2 sites per year.	
How much will average costs increase for the top 10% of businesses?	\$77,919.94
How much will average costs increase for the small businesses?	\$84,821.63
The cost is disproportionately high for small business	TRUE
** 2 person dentist and assistant compared with 1 person hygienist	
Ratio for the top 10% of businesses	\$38,959.97
Ratio for the small businesses	\$84,821.63

¹ DOH has considered whether they would be placed in dental offices, however most of the services provided by a dental office could not be provided by such mobile units with such limited service range.

A copy of the statement may be obtained by writing to Carol Lewis, Health Administrator, Department of Health, P.O. Box 47867, Olympia, WA 98504-7867, phone (360) 236-4857, fax (360) 664-9077.

RCW 34.05.328 applies to this rule adoption. According to RCW 34.05.328 (5)(c)(iii)(B), these rules are legislatively

significant because they include qualifications for an endorsement.

Hearing Location: Department of Health, 1101 Eastside, Room 6, Olympia, WA 98504, on September 13, 2002, at 10:00 a.m. - 12:00 noon.

Assistance for Persons with Disabilities: Contact Carol Lewis by August 30, 2002, TDD 711 Relay.

Submit Written Comments to: Carol L. Lewis, P.O. Box 47867, Olympia, WA 98504-7867, e-mail Carol.Lewis@DOH.WA.GOV, fax (360) 664-9077, by August 30, 2002.

Date of Intended Adoption: September 30, 2002.

August 5, 2002
M. C. Selecky
Secretary

Chapter 246-814 WAC

ACCESS TO DENTAL CARE FOR CHILDREN

NEW SECTION

WAC 246-814-010 Purpose. The purpose of this chapter is to implement RCW 18.29.220 and 18.32.226. These laws are intended to improve access to dental care for low-income, rural, and other at-risk children by enhancing the authority of dental hygienists and dental assistants to provide dental sealant and fluoride varnish treatments in school-based programs. The department of health encourages partnerships within geographical regions and among participants in the oral health care community in implementing this law.

NEW SECTION

WAC 246-814-020 Practices authorized. (1) **Dental hygienists.** Solely for purposes of providing services under this chapter, dental hygienists holding endorsements under this chapter may assess by determining the need for (i.e., the absence of gross carious lesions and sealants) and acceptability of dental sealant and/or fluoride varnish treatment for children in school-based programs and may apply dental sealants and fluoride varnish treatments, without the supervision of a licensed dentist. This determination does not include or involve diagnosing conditions or constitute a dental examination.

(2) **Dental assistants.** A dental assistant is currently defined by the Dental Quality Assurance Commission in WAC 246-817-510 as an unlicensed person working under the close supervision of a licensed dentist. Solely for purposes of this chapter, authorized dental assistants may apply dental sealants and fluoride varnish treatments to children in school-based programs under the general supervision of a

Washington state licensed dentist, as described in this chapter.

(a) *Close supervision* requires the licensed supervising dentist to first determine the need for and acceptability of dental sealant and fluoride varnish treatments, refer the treatment and the dentist must be in the treatment facility when the treatment is provided.

(b) *General supervision* requires the licensed supervising dentist to first determine the need for and acceptability of dental sealant and fluoride varnish treatments, refer the treatment and the dentist does not have to be in the treatment facility when the treatment is provided.

(3) Dental hygienists, dental assistants and their supervising dentists, shall coordinate with local public health jurisdictions and local oral health coalitions prior to providing services under this chapter, consistent with RCW 18.29.220 and 18.32.226.

NEW SECTION

WAC 246-814-030 Application process and documentation of training required to qualify for endorsement. (1) The department of health has issued endorsements to all dental hygienists holding valid licenses on or before April 19, 2001, the effective date of RCW 18.29.220.

(2) Dental hygienists licensed after April 19, 2001, must obtain an endorsement to provide services under this chapter. Applicants must meet the additional requirements in RCW 18.29.220 and must submit the following to the department:

- (a) Application for endorsement;
- (b) Fee;

(c) Information of having a valid Washington state dental hygiene license for reference; and

(d) Proof of the completion of training that has incorporated the Washington state department of health sealant/fluoride varnish program guidelines as described in WAC 246-814-040(3).

(3) Dental assistants employed by a Washington state licensed dentist on or before April 19, 2001, are not required to obtain an endorsement but may voluntarily do so without having to meet the additional requirements in RCW 18.32.226.

(4) Dental assistants employed by a Washington state licensed dentist for two hundred hours after April 19, 2001, must obtain an endorsement to provide services under this chapter. Applicants must meet the additional requirements in RCW 18.32.226 and must submit the following to the department:

- (a) Application for endorsement;
- (b) Fee;

(c) Proof of two hundred hours of employment as a dental assistant by a Washington state licensed dentist that has included theoretical and clinical training in the application of dental sealants and fluoride varnish treatments, verified by a declaration provided by the licensed dentist who provided the training; and

(d) Proof of completion of training that has incorporated the Washington state department of health sealant/fluoride

varnish program guidelines as described in WAC 246-814-040(3).

(5) Dental hygienists, dental assistants and their supervising dentists should use the Washington state department of health sealant/fluoride varnish guidelines described in WAC 246-814-040 and other protocols that may be in place for the geographic region when coordinating with local public health jurisdictions. To assist the local public health jurisdictions and the practitioners in coordinating these services, a "letter of understanding" is recommended and would provide a means to address mutual concerns. It may include, but is not limited to:

- (a) Data collection requirements;
 - (b) Delineation of responsibilities of the treatment providers and the local public health jurisdictions;
 - (c) Quality assurance mechanisms; and
 - (d) Communication with schools being served.
- (6) The dental hygienists, dental assistants, and supervising dentists shall coordinate with the local oral health coalitions by participating in oral health coalition meetings that may be held in the geographical region.

NEW SECTION

WAC 246-814-040 Training and the provision of services. (1) The "Washington state department of health sealant/fluoride varnish program guidelines" have been developed, maintained and distributed by the department of health in partnership with the oral health community and health care practitioners. To obtain copies of the "guidelines" contact the department of health.

(2) The Washington state department of health sealant/fluoride varnish program guidelines are designed to assist the local public health jurisdictions and oral health care communities in the planning, implementation, and evaluation of school-based dental sealant and fluoride varnish programs. Every school-based dental sealant and fluoride varnish program should design their program to provide, at minimum, for the following:

- (a) Assessing and targeting the population.
- (b) Establishing community capacity and infrastructure.
- (c) Determining staffing needs and training.
- (d) Securing equipment and supplies.
- (e) Developing policies, procedures and data collection forms.
- (f) Scheduling schools/sites.
- (g) Preparing sites for implementation.
- (h) Providing services.
- (i) Evaluating the process and outcomes.

(3) The Washington state department of health sealant/fluoride varnish program guidelines also provides the training required for dental hygienists and dental assistants providing services under this chapter. Applicants for endorsement must obtain training as contained in these specific guidelines, which can be met through any one of the following methods:

(a) Graduation from a dental assisting, dental hygiene or dental educational program, accredited by the American Dental Association, which has incorporated the Washington

state department of health sealant/fluoride varnish program guidelines.

(b) Continuing education courses which teach the Washington state department of health sealant/fluoride varnish program guidelines.

(c) Dental assistants and dental hygienists may obtain individualized training of the Washington state department of health sealant/fluoride varnish program guidelines from a Washington state licensed dentist, who has completed training through either:

(i) A continuing education course, which teaches the Washington state department of health sealant/fluoride varnish program guidelines; or

(ii) Graduation from a dental educational program accredited by the American Dental Association, which has incorporated teaching of the Washington state department of health sealant/fluoride varnish program guidelines.

NEW SECTION

WAC 246-814-990 Endorsement fees for dental assistants and dental hygienists, renewal of endorsement not required. (1) Endorsements do not require renewal.

(2) Endorsement documents are issued to the qualified applicant, and are not the property of the employer or the supervisor.

(3) The following one-time, nonrefundable fee will be charged:

- Dental assistant application/endorsement. \$50
- Dental hygiene application/endorsement. \$50

WSR 02-16-102
PROPOSED RULES
STATE BOARD OF HEALTH
 [Filed August 7, 2002, 11:58 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-24-102.

Title of Rule: Emergency powers and duties of local health officers.

Purpose: To provide guidance to first-responders in the event of a bioterrorism attack, chemical or radiologic attack, or major infectious disease outbreak about the enforceability of local health officers orders and the due process rights of individuals subject to isolation and quarantine orders.

Other Identifying Information: Amends and supplements provisions in chapter 246-100 WAC, Communicable and certain other diseases and chapter 246-101 WAC, Notifiable conditions, pertaining to the powers and duties of local health officers and local board of health in order to clarify processes surrounding implementation of measures to control disease and contamination.

Statutory Authority for Adoption: RCW 43.20.050 (2)(d).

Statute Being Implemented: RCW 70.05.050 and [70.05.]070.

Summary: These rules would apply modern due process procedures to the existing authorities of local health officers and local boards of health to order isolation and quarantine. They would also emphasize in rule existing statutory requirements that board's rules and the orders of local health officers be obeyed and enforced by law enforcement officers.

Reasons Supporting Proposal: The board has developed rules for isolation and quarantine in response to disease-specific threats. Increased awareness of the possibility of a bioterrorism attack and the risk of a serious communicable disease outbreak has prompted the board to consider broader rules for isolation and quarantine.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Craig McLaughlin, 1102 S.E. Quince, Olympia, WA 98504, (360) 236-4106.

Name of Proponent: Local health jurisdictions, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of the rule is to enable local health officers and other first responders to react more effectively in the event of a bioterrorism attack or major disease outbreak. The rule would establish a process and set of procedures for local health officers, law enforcement, and the courts to follow for the imposition and use of isolation and quarantine when there is a serious and imminent threat to the public. It establishes:

- Conditions that must be met before detaining people involuntarily,
- A right to notice,
- How long a person or group can be isolated or quarantined on the order of a local health officer before judicial review is necessary,
- The standard of proof for convincing the court to issue, uphold, or extend an isolation or quarantine order,
- Conditions of quarantine,
- Conditions for entering an isolation and quarantine facility,
- Right to counsel,
- Procedures for seeking relief from the courts, and
- Other due process protections.

It also consolidates in rule statutory requirements that people obey orders issued by a local health officer to control the spread of disease and that law enforcement enforce those orders.

Proposal Changes the Following Existing Rules: Existing rules concerning emergency powers and duties of local health officers and local boards of health require planning for disease control efforts, "invoking the powers of the courts to enforce those measures when necessary." New rules clarify in rule that law enforcement also has enforcement obligation and that local health officers may carry out disease control measures (not just plan for them) on their own authority without judicial review. This is intended to reduce the risk of confusion and make the rule more consistent with existing statutory authorities.

PROPOSED

No small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

Purpose and Objective: The State Board of Health (SBOH) is proposing rule changes that would clarify the enforceability of isolation and quarantine orders issued by local health officers and establish due process protections for persons and groups subject to isolation and quarantine.

The rule change would:

- Add new sections to chapter 246-100 WAC, Communicable and certain other diseases, to establish procedures for isolation and quarantine.
- Add a new section to chapter 246-100 WAC referencing existing statutory requirements to enforce the orders of a local health officer.
- Edit existing sections of chapters 246-100 and 246-101 WAC, Notifiable conditions to remove specific mention of instituting isolation, quarantine, and other disease control measures, and replacing them with a reference to the provision of the new sections in chapter 246-100 WAC.
- Make additions and revisions to the definitions section of chapter 246-100 WAC to support the new provisions.

Rule-making Requirements of the Regulatory Fairness Act (chapter 19.85 RCW): The Regulatory Fairness Act, RCW 19.85.030 requires the board to conduct a small business economic impact statement (SBEIS) for proposed rules that have more than minor impact on small businesses. As defined in RCW 19.85.020 a small business is "any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees."

An SBEIS was not done. For the following reasons, the proposed rules would not have more than minor impact on small businesses:

- The enforcement provisions do not create any new authorities or responsibilities. They consolidate by reference the authorities and penalty provisions that already exist in various statutes. RCW 70.05.120 requires that the public comply with the orders of boards of health and local health officers, and RCW 43.20.050(4) requires that law enforcement officers enforce all SBOH rules. Failure to do so, in both instances, is a misdemeanor. Since these authorities, responsibilities, and penalties already exist, referencing them in rule will have no new impact on small businesses.
- The imposition of isolation and quarantine on individuals or groups could have a financial impact on small businesses. Possible examples include: (1) An essential employee is quarantined not able to attend a critical meeting; (2) a small hotel is commandeered as a quarantine facility and closed to paying guests; (3) a small hospital is delegated as a receiving facility for persons exposed to small pox and loses future patients because of fears of contam-

ination; (4) a commercial facility is closed because it might be contaminated with an infectious agent such as anthrax. As real as these potential costs may be, however, protecting the public health is recognized as one of the fundamental duties of local governments, and Washington law already grants broad authority to local boards of health (RCW 70.05.060) and local health officers (RCW 70.05.070) to institute emergency control measures. The courts have repeatedly held that these public health statutes should be interpreted broadly. The proposed rule revision would not create any new authorities, and hence would not impose any new costs on small businesses. Instead, they would mitigate existing authorities by establishing protections against unreasonable and unconstitutional detention.

- Establishing procedures for isolation and quarantine that might impede the ability of local health officials to establish isolation and quarantine (for example, by making them spend more time in court and less time in the field combating the outbreak) could conceivably increase morbidity and mortality associated with a bioterrorist attack or disease outbreak. Increased morbidity and mortality could, in turn, hurt small businesses. During a May 2000 federal field exercise involving top federal officials (TOPOFF), however, the theoretical release of aerosolized plague bacilli over Denver quickly overwhelmed the public health and medical systems. One of the problems identified in TOPOFF was the lack of clear procedures for isolation and quarantines. Federal officials have been promoting the modernization of state isolation and quarantine laws so that they incorporate due process protections and are not disease-specific. The Centers for Disease Control and Prevention included efforts to modernizing public health laws, including isolation and quarantine laws, in its grant guidelines for the recently awarded bioterrorism preparedness funds. Based on the best information currently available, establishing due process procedures for isolation and quarantine should *improve* public health response in an emergency and *reduce* morbidity and mortality.

RCW 34.05.328 applies to this rule adoption. The rule would adopt substantive provisions of law pursuant to delegated legislative authority (to adopt rules for the imposition of isolation and quarantine), and it is a misdemeanor to disobey an SBOH rule. The proposed rule, therefore, fits the definition of a significant legislative rule. SBOH voluntarily agrees to make RCW 34.05.328 applicable under RCW 34.05.328 (5)(a)(ii).

Hearing Location: Best Western Cottontree Inn and Conference Center, Fidalgo Room, 2401 Riverside Drive, Mount Vernon, WA 98273, on September 11, 2002, at 10:15 a.m.

Assistance for Persons with Disabilities: Contact Desiree Day Robinson by September 4, 2002, (360) 236-4107.

Submit Written Comments to: Craig McLaughlin, Policy Manager, Washington State Board of Health, P.O. Box 47990, Olympia, WA 98502, fax (360) 236-4088, by September 4, 2002.

Date of Intended Adoption: September 11, 2002.

July 24, 2002

Don Sloma

Executive Director

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-100-011 Definitions. The following definitions shall apply in the interpretation and enforcement of chapter 246-100 WAC:

(1) "Acquired immunodeficiency syndrome (AIDS)" means illness, disease, or conditions defined and described by the Centers for Disease Control, U.S. Public Health Service, Morbidity and Mortality Weekly Report (MMWR), December 18, 1992, Volume 41, Number RR-17. A copy of this publication is available for review at the department and at each local health department.

(2) "AIDS counseling" means counseling directed toward:

(a) Increasing the individual's understanding of acquired immunodeficiency syndrome; and

(b) Assessing the individual's risk of HIV acquisition and transmission; and

(c) Affecting the individual's behavior in ways to reduce the risk of acquiring and transmitting HIV infection.

(3) "Board" means the Washington state board of health.

(4) "Case" means a person, alive or dead, having been diagnosed to have a particular disease or condition by a health care provider with diagnosis based on clinical or laboratory criteria or both.

(5) "Child day care facility" means an agency regularly providing care for a group of children for less than twenty-four hours a day and subject to licensing under chapter 74.15 RCW.

(6) "Communicable disease" means an illness caused by an infectious agent which can be transmitted from one person, animal, or object to another person by direct or indirect means including transmission via an intermediate host or vector, food, water, or air.

(7) "Contaminated" or "contamination" means containing or having contact with infectious agents or chemical or radiological materials that pose immediate or long-term hazards to human health.

(8) "Contamination control measures" means the management of persons, animals, goods, and facilities that are contaminated, or suspected to be contaminated, in a manner to avoid human exposure to the contaminant, prevent the contaminant from spreading, and/or effect decontamination.

(9) "Department" means the Washington state department of health.

~~((8))~~ (10) "Detention" or "detainment" means physical restriction of activities of an individual by confinement (~~consistent with WAC 246-100-206(8);~~) for the purpose of ~~((monitoring and eliminating behaviors presenting imminent~~

~~danger))~~ controlling or preventing a serious and imminent threat to public health and may include physical plant, facilities, equipment, and/or personnel to physically restrict activities of the individual to accomplish such purposes.

~~((9))~~ (11) "Disease control measures" means the management of persons, animals, goods, and facilities that are infected with, suspected to be infected with, exposed to, or suspected to be exposed to an infectious agent in a manner to prevent human transmission of the infectious agent.

(12) "Disease of suspected bioterrorism origin" means a disease caused by viruses, bacteria, fungi, or toxins from living organisms that are used to produce death or disease in humans, animals, or plants.

(13) "Health care facility" means:

(a) Any facility or institution licensed under chapter 18.20 RCW, boarding home, chapter 18.46 RCW, birthing centers, chapter 18.51 RCW, nursing homes, chapter 70.41 RCW, hospitals, or chapter 71.12 RCW, private establishments, clinics, or other settings where one or more health care providers practice; and

(b) In reference to a sexually transmitted disease, other settings as defined in chapter 70.24 RCW.

~~((10))~~ (14) "Health care provider" means any person having direct or supervisory responsibility for the delivery of health care who is:

(a) Licensed or certified in this state under Title 18 RCW; or

(b) Is military personnel providing health care within the state regardless of licensure.

~~((11))~~ (15) "HIV testing" means conducting a laboratory test or sequence of tests to detect the human immunodeficiency virus (HIV) or antibodies to HIV performed in accordance with requirements to WAC 246-100-207. To assure that the protection, including but not limited to, pre- and post-test counseling, consent, and confidentiality afforded to HIV testing as described in chapter 246-100 WAC also applies to the enumeration of CD4+(T4) lymphocyte counts (CD4+ counts) and CD4+ (T4) percents of total lymphocytes (CD4+ percents) when used to diagnose HIV infection, CD4+ counts and CD4+ percents will be presumed HIV testing except when shown by clear and convincing evidence to be for use in the following circumstances:

(a) Monitoring previously diagnosed infection with HIV;

(b) Monitoring organ or bone marrow transplants;

(c) Monitoring chemotherapy;

(d) Medical research; or

(e) Diagnosis or monitoring of congenital immunodeficiency states or autoimmune states not related to HIV.

The burden of proving the existence of one or more of the circumstances identified in (a) through (e) of this subsection shall be on the person asserting such existence.

~~((12))~~ "Isolation" means the separation or restriction of activities of infected persons, or of persons suspected to be infected, from other persons to prevent transmission of the infectious agent.) (16) "Infectious agent" means an organism such as a virus, rickettsia, bacteria, fungus, protozoan, or helminth that is capable of producing infection or infectious disease.

(17) "Isolation" means the separation from others of persons infected or contaminated, or suspected to be infected or

contaminated, with an infectious agent or contaminant, or the restriction of their activities, to prevent direct or indirect transmission of the infectious agent or contaminant.

~~((13))~~ (18) "Local health department" means the city, town, county, or district agency providing public health services to persons within the area, as provided in chapter 70.05 RCW and chapter 70.08 RCW.

~~((14))~~ (19) "Local health officer" means the individual having been appointed under chapter 70.05 RCW as the health officer for the local health department, or having been appointed under chapter 70.08 RCW as the director of public health of a combined city-county health department.

~~((15))~~ (20) "Nosocomial infection" means an infection acquired in a hospital or other health care facility.

~~((16))~~ (21) "Outbreak" means the occurrence of cases of a disease or condition in any area over a given period of time in excess of the expected number of cases.

~~((17))~~ (22) "Post-test counseling" means counseling after the HIV test when results are provided and directed toward:

- (a) Increasing the individual's understanding of human immunodeficiency virus (HIV) infection;
- (b) Affecting the individual's behavior in ways to reduce the risk of acquiring and transmitting HIV infection;
- (c) Encouraging the individual testing positive to notify persons with whom there has been contact capable of spreading HIV;
- (d) Assessing emotional impact of HIV test results; and
- (e) Appropriate referral for other community support services.

~~((18))~~ (23) "Pretest counseling" means counseling provided prior to HIV testing and aimed at:

- (a) Helping an individual to understand:
 - (i) Ways to reduce the risk of human immunodeficiency virus (HIV) transmission;
 - (ii) The nature, purpose, and potential ramifications of HIV testing;
 - (iii) The significance of the results of HIV testing; and
 - (iv) The dangers of HIV infection; and
- (b) Assessing the individual's ability to cope with the results of HIV testing.

~~((19))~~ (24) "Principal health care provider" means the attending physician or other health care provider recognized as primarily responsible for diagnosis and treatment of a patient or, in the absence of such, the health care provider initiating diagnostic testing or therapy for a patient.

~~((20))~~ "Quarantine" means the separation or restriction on activities of a person having been exposed to or infected with an infectious agent, to prevent disease transmission:

~~(21))~~ (25) "Quarantine" means the separation from others of well persons who had opportunity to acquire an infectious agent or contaminant through contact with an infected or contaminated individual, animal, or environment, or the restriction of their activities, to prevent direct or indirect transmission of the infectious agent or contaminant.

(26) "School" means a facility for programs of education as defined in RCW 28A.210.070 (preschool and kindergarten through grade twelve).

~~((22))~~ (27) "Seeking voluntary compliance would be unduly risky" means the local health officer has reason to

believe, given the nature of the infectious or contaminating condition, that it is neither reasonable nor practical to obtain voluntary compliance and that a delay that is likely to result from attempting to do so would pose a serious and imminent threat to the public's health.

(28) "Sexually transmitted disease (STD)" means a bacterial, viral, fungal, or parasitic disease or condition which is usually transmitted through sexual contact, including:

- (a) Acute pelvic inflammatory disease;
- (b) Chancroid;
- (c) Chlamydia trachomatis infection;
- (d) Genital and neonatal herpes simplex;
- (e) Genital human papilloma virus infection;
- (f) Gonorrhea;
- (g) Granuloma inguinale;
- (h) Hepatitis B infection;
- (i) Human immunodeficiency virus infection (HIV) and acquired immunodeficiency syndrome (AIDS);
- (j) Lymphogranuloma venereum;
- (k) Nongonococcal urethritis (NGU); and
- (l) Syphilis.

~~((23))~~ (29) "Spouse" means any individual who is the marriage partner of an HIV-infected individual, or who has been the marriage partner of the HIV-infected individual within the ten-year period prior to the diagnosis of HIV-infection, and evidence exists of possible exposure to HIV.

~~((24))~~ (30) "State health officer" means the person designated by the secretary of the department to serve as state-wide health officer, or, in the absence of such designation, the person having primary responsibility for public health matters in the state.

~~((25))~~ (31) "Suspected case" ~~((means a person whose diagnosis is thought likely to be a particular disease or condition with suspected diagnosis based on signs and symptoms, laboratory evidence, or both))~~ or "suspected to be infected" means that infection with a particular infectious agent is reasonably believed to be likely based on signs and symptoms, laboratory evidence, or contact with an infected individual, animal, or contaminated environment. The opinion of the local health officer shall prevail until the state department of health can be notified, and then the opinion of the secretary of the state department of health, or any physician he or she may appoint to examine such case, shall be final, in accordance with RCW 70.05.100.

~~((26))~~ (32) "Veterinarian" means an individual licensed under provisions of chapter 18.92 RCW, veterinary medicine, surgery, and dentistry and practicing animal health care.

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-100-036 Responsibilities and duties—Local health officers. (1) The local health officer shall ~~((review and determine appropriate action for:~~

~~instituting disease prevention and infection control, isolation, detention, and quarantine measures necessary to prevent the spread of communicable disease, invoking the power of the courts to enforce these measures when necessary))~~ establish, in concert with local health care providers, health facilities, emergency management personnel, law enforce-

ment agencies, and any other entity deemed necessary, plans, policies, and procedures for instituting emergency measures necessary to prevent the spread of communicable disease or contamination in accordance with WAC 246-100-040.

(2) Local health officers shall:

(a) Notify health care providers within the health district regarding requirements in this chapter;

(b) Ensure anonymous HIV testing is reasonably available;

(c) Make HIV testing, AIDS counseling, and pretest and post-test counseling, as defined in this chapter, available for voluntary, mandatory, and anonymous testing and counseling as required by RCW 70.24.400;

(d) Make information on anonymous HIV testing, AIDS counseling, and pretest and post-test counseling, as described under WAC 246-100-208 and 246-100-209, available;

(e) Use identifying information on HIV-infected individuals provided according to chapter 246-101 WAC only:

(i) For purposes of contacting the HIV-positive individual to provide test results and post-test counseling; or

(ii) To contact persons who have experienced substantial exposure, including sex and injection equipment-sharing partners, and spouses; or

(iii) To link with other name-based public health disease registries when doing so will improve ability to provide needed care services and counseling and disease prevention; and

(f) Destroy documentation of referral information established in WAC 246-100-072 and this subsection containing identities and identifying information on HIV-infected individuals and at-risk partners of those individuals immediately after notifying partners or within three months, whichever occurs first.

(3) Local health officers shall conduct investigations and institute control measures ~~((consistent with those indicated in the seventeenth edition, 2000, of Communicable Diseases Manual, James Chin, MD, MPH, editor, except:~~

~~(a) When superseded by more up-to-date measures, or~~

~~(b) When other measures are more specifically related to Washington state)) in accordance with WAC 246-100-040.~~

(4) A local health department may make agreements with tribal governments or with state agencies or institutions of higher education that empower the local health officer to conduct investigations and institute control measures in accordance with WAC 246-100-040 on tribal land and the campuses of state institutions. State institutions include, but are not limited to, state-operated colleges and universities, schools, hospitals, prisons, group homes, juvenile detention centers, institutions for juvenile delinquents, and residential habilitation centers.

NEW SECTION

WAC 246-100-040 Procedures for isolation and quarantine. (1) A local health official shall, when necessary, institute disease control and contamination control measures, including medical examination, testing, treatment, vaccination, decontamination of persons or animals, isolation, quarantine, vector control, condemnation of food supplies, and inspection and closure of facilities, consistent with those indi-

cated in the 18th edition, 2002 of the *Control of Communicable Disease Manual*, published by the American Public Health Association, except:

(a) When superseded by more up-to-date measures;

(b) In the case of a disease of suspected bioterrorism origin, when superceded by guidelines issued by the Centers for Disease Control and Prevention;

(c) When other measures are more specifically related to Washington state; or

(d) When other measures are necessary to remedy a serious and imminent threat to the public's health.

(2) A local health officer who institutes disease and contamination control measures shall make reasonable efforts, which shall be documented, to obtain voluntary compliance with requests for medical examination, testing, treatment, vaccination, decontamination of persons or animals, isolation, quarantine, and inspection and closure of facilities, except when the health officer makes a determination that seeking voluntary compliance would be unduly risky.

(3) A local health officer may issue an order causing a person or group of persons to be involuntarily detained, or petition the superior court *ex parte* for an order to take the person or group of persons into involuntary detention, for purposes of isolation or quarantine when he or she:

(a) Has reason to believe that the person or group of persons is, or is suspected to be, infected with, exposed to, or contaminated with a communicable disease or chemical, biological, or radiological agent that could spread to or contaminate others if remedial action is not taken;

(b) Has reason to believe that the person or group of persons would pose a serious and imminent risk to the health and safety of others if not detained for purposes of isolation and quarantine; and

(c) Has determined that either:

(i) The person or group of persons has failed to submit to voluntary examination, testing, treatment, vaccination, decontamination, isolation, or quarantine; or

(ii) Seeking voluntary compliance would be unduly risky.

(4) A local health officer may invoke the powers of police officers, sheriffs, constables, and all other officers and employees of any political subdivisions within the jurisdiction of the health department to enforce orders given to effectuate the purposes of this section in accordance with the provisions of RCW 43.20.050(4) and 70.05.120.

(5) In the event that a local health officer orders the involuntary detention of a person or group of persons for purposes of isolation or quarantine:

(a) The order shall be for a period not to exceed ten days.

(b) The local health officer shall issue a written order for emergency detention as soon as reasonably possible and in all cases within twelve hours of detention that shall specify the following:

(i) The identity of all persons or groups subject to isolation or quarantine;

(ii) The premises subject to isolation or quarantine;

(iii) The date and time at which isolation or quarantine commences;

(iv) The suspected communicable disease or infectious agent if known; and

(v) The measures taken by the local health officer to seek voluntary compliance or the basis on which the local health officer determined that seeking voluntary compliance would be unduly risky.

(c) The local health officer shall provide copies of the written order for involuntary detention to the person or group of persons detained or, if the order applies to a group and it is impractical to provide individual copies, post copies in a conspicuous place in the isolated or quarantined premises.

(d) Along with the written order, and by the same means of distribution, the local health officer shall provide the person or group of persons detained with the following written notice:

NOTICE: You have the right to petition the superior court for release from isolation and quarantine in accordance with WAC 246-100-055. You have a right to legal counsel. If you currently have legal counsel, then you have an opportunity to contact that counsel for assistance.

(6) A local health officer may petition the superior court for an order authorizing involuntary detention or continued involuntary detention of a person or group of persons for purposes of isolation or quarantine pursuant to this section:

(a) The petition shall specify:

(i) The identity of all persons or groups subject to isolation or quarantine;

(ii) The premises subject to isolation or quarantine;

(iii) The date and time at which isolation or quarantine commenced or will commence;

(iv) The suspected communicable disease or infectious agent if known;

(v) The anticipated duration of isolation and quarantine based on the suspected communicable disease or infectious agent if known;

(vi) The measures taken by the local health officer to seek voluntary compliance or the basis on which the local health officer determined that seeking voluntary compliance would be unduly risky;

(vii) The basis on which isolation and quarantine is justified.

(b) If the person or group of persons has already been detained by order of the local health officer, the petition shall be accompanied by a statement of compliance with the conditions and principles for isolation and quarantine contained in WAC 246-100-045.

(c) The petition shall be accompanied by the sworn affidavit of the local health officer attesting to the facts asserted in the petition, together with any further information that may be relevant and material to the court's consideration.

(d) Notice to the persons or groups identified in the petition shall be accomplished in accordance with the rules of civil procedure.

(7) The court shall hold a hearing on a petition filed pursuant to this section within seventy-two hours of filing, exclusive of Saturdays, Sundays, and holidays. In extraordinary circumstances and for good cause shown, the local health officer may apply to continue the hearing date on a petition filed pursuant to this chapter for up to ten days, which continuance the court may grant at its discretion giving

due regard to the rights of the affected individuals, the protection of the public's health, the severity of the public health threat, and the availability of necessary witnesses and evidence.

(8) The court shall grant the petition if, by a preponderance of the evidence, isolation or quarantine is shown to be reasonably necessary to prevent or limit the transmission of a communicable or possibly communicable disease to others.

(a) A court order authorizing isolation or quarantine may do so for a period not to exceed thirty days.

(b) The order shall:

(i) Identify the isolated or quarantined persons or groups by name or shared or similar characteristics or circumstances;

(ii) Specify factual findings warranting isolation or quarantine pursuant to this section;

(iii) Include any conditions necessary to ensure that isolation or quarantine is carried out within the stated purposes and restrictions of this section; and

(iv) Be served on all affected persons or groups in accordance with the rules of civil procedure.

(9) Prior to the expiration of a court order issued pursuant to this section, the local health officer may move to continue isolation and quarantine for additional periods not to exceed thirty days each.

(10) State statutes and rules governing procedures for detention, examination, testing, treatment, vaccination, isolation, or quarantine for persons who are infected or are reasonably believed to be infected with a specified communicable disease, including, but not limited to, tuberculosis, shall supercede this section.

NEW SECTION

WAC 246-100-045 Conditions and principles for isolation and quarantine. The local health officer shall adhere to the following conditions and principles when isolating or quarantining a person or group of persons:

(1) Isolation and quarantine must be by the least restrictive means necessary to prevent the spread of a communicable or possibly communicable disease to others and may include, but are not limited to, confinement to private homes or other public or private premises;

(2) Isolated individuals must be confined separately from quarantined individuals;

(3) The health status of isolated and quarantined individuals must be monitored regularly to determine if they require isolation and quarantine;

(4) If a quarantined individual subsequently becomes infected or is reasonably believed to have become infected with a communicable or possibly communicable disease, he or she must promptly be placed in isolation;

(5) Isolated and quarantined individuals must be immediately released when they pose no substantial risk of transmitting a communicable or possibly communicable disease to others;

(6) The needs of a person isolated and quarantined must be addressed in a systematic and competent fashion, including, but not limited to, providing adequate food, clothing, shelter, means of communication with those in isolation or

quarantine and outside these settings, medication, and competent medical care;

(7) Premises used for isolation and quarantine must be maintained in a safe and hygienic manner to be designed to minimize the likelihood of further transmission of infection or other harms to persons isolated and quarantined;

(8) To the extent possible, cultural and religious beliefs should be considered in addressing the needs of individuals, and establishing and maintaining isolation and quarantine premises;

(9) Isolation and quarantine shall not abridge the right of any person to rely exclusively on spiritual means alone through prayer to treat a communicable or possibly communicable disease in accordance with the tenets and practices of any well-recognized church or religious denomination, nor shall anything in this chapter be deemed to prohibit a person so relying who is afflicted with a contagious or communicable disease from being isolated or quarantined in a private place of his or her own choice, provided, it is approved by the local health officer, and all laws, rules and regulations governing control, sanitation, isolation and quarantine are complied with. Infected individuals declining treatment may be kept in isolation for the duration of their communicable infection.

NEW SECTION

WAC 246-100-050 Isolation and quarantine premises. (1) Entry into isolation and quarantine premises shall be restricted under the following conditions:

(a) The local health officer may authorize physicians, health care workers, or others access to individuals in isolation or quarantine pursuant to WAC 246-100-040 as necessary to meet the needs of isolated or quarantined individuals;

(b) No person, other than a person authorized by the local health officer, shall enter isolation or quarantine premises;

(c) Any person entering an isolation or quarantine facility shall be provided with infection control training and appropriate personal protective equipment;

(d) Any person entering an isolation or quarantine premises with or without authorization of the local health officer may be isolated or quarantined.

(2) Persons subject to isolation and quarantine and persons entering isolation and quarantine premises shall obey the rules established by the state board of health and the orders of the local health officer, and failure to do so shall constitute a misdemeanor consistent with the provisions of RCW 43.20.050(4) and 70.05.120.

NEW SECTION

WAC 246-100-055 Relief from isolation and quarantine. Any person or group of persons isolated or quarantined pursuant to this subsection may seek relief from the superior court.

(1) Any person or group of persons may apply to the court for an order to show cause why the individual or group should not be released.

(a) The court shall rule on the application to show cause within forty-eight hours of its filing.

(b) If the court grants the application, the court shall schedule a hearing on the order to show cause within twenty-four hours from issuance of the order to show cause.

(c) The issuance of an order to show cause shall not stay or enjoin an isolation or quarantine order.

(2) An individual or group isolated or quarantined may request a hearing in the court for remedies regarding breaches to the conditions of isolation or quarantine.

(3) A request for a hearing shall not stay or enjoin an isolation or quarantine order.

(4) Upon receipt of a request under this subsection alleging extraordinary circumstances justifying the immediate granting of relief, the court shall fix a date for hearing on the matters alleged no more than twenty-four hours from the receipt of the request.

(5) Otherwise, upon receipt of a request under this section, the court shall fix a date for hearing on the matters alleged within five days from receipt of the request.

(6) In any proceedings brought for relief under this subsection, in extraordinary circumstances and for good cause shown, the local health authority may move the court to extend the time for a hearing, which extension the court in its discretion may grant giving due regard to the rights of the affected individuals, the protection of the public's health, the severity of the emergency and the availability of necessary witnesses and evidence.

(7) Any hearings for relief under this section involving a petitioner or petitioners judged to be contagious for a communicable disease will be conducted in a manner that utilizes appropriate infection control precautions and minimizes the risk of disease transmission.

NEW SECTION

WAC 246-100-060 Right to counsel. A person or group of persons isolated or quarantined pursuant to this section has a right to counsel. The local health officer must provide adequate means of communications between such persons or groups and their counsel.

NEW SECTION

WAC 246-100-065 Consolidation. In any proceedings brought pursuant to this section, to promote the fair and efficient operation of justice and having given due regard to the rights of affected persons, the severity of the threat to the public's health, and the availability of necessary witnesses and evidence, the court may order the consolidation of individual claims into group claims where:

(1) The number of individuals involved or to be affected is so large as to render individual participation impractical;

(2) There are questions of law or fact common to the individual claims or rights to be determined;

(3) The group claims or rights to be determined are typical of the affected persons' claims or rights; and

(4) The entire group will be adequately represented in the consolidation.

NEW SECTION

WAC 246-100-070 Enforcement of local health officer orders. (1) An order issued by a local health officer in accordance with this chapter shall constitute the duly authorized application of lawful rules adopted by the state board of health and must be enforced by all police officers, sheriffs, constables, and all other officers and employees of any political subdivisions within the jurisdiction of the health department in accordance with RCW 43.20.050.

(2) Any person who shall violate any of the provisions of this chapter or any lawful rule adopted by the board shall be deemed guilty of a misdemeanor punishable as provided under RCW 43.20.050.

(3) Any person who shall fail or refuse to obey any lawful order issued by any local health officer shall be deemed guilty of a misdemeanor punishable as provided under RCW 70.05.120.

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-101-505 Duties of the local health officer or the local health department. Local health officers or the local health department shall:

(1) Review and determine appropriate action for:

(a) Each reported case or suspected case of a notifiable condition;

(b) Any disease or condition considered a threat to public health; and

(c) Each reported outbreak or suspected outbreak of disease, requesting assistance from the department in carrying out investigations when necessary; ~~(and~~

~~(d) Instituting disease prevention and infection control, isolation, detention, and quarantine measures necessary to prevent the spread of communicable disease, invoking the power of the courts to enforce these measures when necessary.))~~

(2) Establish a system at the local health department for maintaining confidentiality of written records and written and telephoned notifiable conditions case reports;

(3) Notify health care providers, laboratories, and health care facilities within the jurisdiction of the health department of requirements in this chapter;

(4) Notify the department of cases of any condition notifiable to the local health department (except animal bites) upon completion of the case investigation;

(5) Distribute appropriate notification forms to persons responsible for reporting;

(6) Notify the principal health care provider:

(a) If possible, prior to initiating a case investigation by the local health department; and

(b) For HIV infection, not contact the HIV-infected person directly without considering the recommendations of the principal health care provider on the necessity and best means for conducting the case investigation, unless:

(i) The principal health care provider cannot be identified; or

(ii) Reasonable efforts to reach the principal health care provider over a two-week period of time have failed;

(7) Allow laboratories to contact the health care provider ordering the diagnostic test before initiating patient contact if requested and the delay is unlikely to jeopardize public health;

(8) Conduct investigations and institute control measures ~~((consistent with those indicated in the seventeenth edition, 2000 of Control of Communicable Diseases Manual, edited by James Chin, published by the American Public Health Association (copy is available for review at the department and at each local health department), except:~~

~~(a) When superseded by more up-to-date measures; or~~

~~(b) When other measures are more specifically related to Washington state)) in accordance with WAC 246-100-040;~~

(9) The local health department may negotiate alternate arrangements for meeting the reporting requirements under this chapter through cooperative agreement between the local health department and any health care provider, laboratory or health care facility;

(10) Each local health officer has the authority to:

(a) Carry out additional steps determined to be necessary to verify a diagnosis reported by a health care provider;

(b) Require any person suspected of having a reportable disease or condition to submit to examinations required to determine the presence of the disease or condition;

(c) Investigate any case or suspected case of a reportable disease or condition or other illness, communicable or otherwise, if deemed necessary;

(d) Require the notification of additional conditions of public health importance occurring within the jurisdiction of the local health officer.

WSR 02-16-091
EXPEDITED RULES
OFFICE OF
INSURANCE COMMISSIONER

[Filed August 7, 2002, 10:48 a.m.]

Title of Rule: Electronic filing of financial information.

Purpose: The proposed rule would continue the trend to electronic filing and away from paper filing. Insurers, including HCSCs and HMOs, would electronically file required financial information. This should result in reduced compliance time and costs.

Other Identifying Information: Insurance Commissioner Matter No. R 2002-07.

Statutory Authority for Adoption: RCW 48.02.060, 48.44.050, and 48.46.200.

Statute Being Implemented: RCW 48.05.073, 48.43.097, and 48.05.250.

Summary: The proposed rule would require that annual statements, quarterly statements, statements of actuarial opinion, audited financial statements and other financial reports must be filed electronically only. Currently, the copies of the statements and reports are required to be filed on paper as well as electronically.

Reasons Supporting Proposal: The transition from paper to electronic filings should increase the speed and efficiency of filing while lowering filing and storage costs.

Name of Agency Personnel Responsible for Drafting and Implementation: Chase Davis, Lacey, Washington, (360) 407-0539; and **Enforcement:** Jim Odiorne, Lacey, Washington, (360) 407-0420.

Name of Proponent: Mike Kreidler, Insurance Commissioner, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule requires that annual statements, quarterly reports, statements of actuarial opinion, audited financial reports and other financial reports must be filed electronically only, unless the commissioner grants additional time to the insurer to file on paper. The rule also specifically includes fraternal benefit societies within the requirements.

Currently, insurers, including HCSCs and HMOs, must file three paper copies of their annual statements. Since 1996, these filings must also be made electronically. Only companies that operate only in Washington can be exempted from the electronic filing requirement. Accompanying the annual statements, they must provide statements of actuarial opinions signed by an actuary. They must also file paper copies of quarterly reports and, possibly, monthly reports. Along with these filings, insurers must provide signatures of officers. Additionally, they must file signed paper copies of their audited financial reports.

The paper reporting requirements incur more copying and mailing costs to the insurers and create considerable storage and usability issues for the insurance commissioner. The proposed rule would require that these filings are made electronically to the commissioner. Reports, statements and filings can be signed and sent electronically. If electronic sign-

ing is difficult, the insurer can send a paper copy of the signature page to the OIC at the same time they file electronically.

The rule will take advantage of the technology that insurers have to reduce filing time and costs. The electronic filing of annual statements and audited financial reports would begin in January with the filings that cover the timeframe that ended on December 31, 2002.

Proposal Changes the Following Existing Rules: The following WAC sections are proposed to be amended as follows:

WAC 284-07-050 (1), (2), (4), (5), (6), (7), and (9) are amended. New subsections (4)(c), (d), (e), and (5)(b) are created. Included are changes that establish that filings of annual statements, quarterly statements, and any other reports or statements after December 31, 2002, are to be electronic, establish the methods to file electronically, establish how signing requirements can be met, set a standard to determine the timeliness of filing, and to allow for an extension at the commissioner's discretion. There are also changes for language consistency.

WAC 284-07-060 (1) and (2) are amended. Subsection (5) is created. Included are changes that establish that filings of actuarial opinions after December 31, 2002, are to be electronic, establish the methods to file electronically, establish how signing requirements can be met, set a standard to determine the timeliness of filing, and to allow for an extension at the commissioner's discretion.

WAC 284-07-070 (1), (2), (5), and (6) are amended to specifically include fraternal benefit societies, establish that filings after December 31, 2002, are to be electronic, establish the methods to file electronically, remove the provision that exempts companies that operate only in Washington, and to allow for an extension at the commissioner's discretion.

WAC 284-07-100 (5), (6), and (7) are created. The changes establish that filings of audited financial reports after December 31, 2002, are to be electronic, establish the methods to file electronically, establish how signing requirements can be met, set a standard to determine the timeliness of filing, and to allow for an extension at the commissioner's discretion.

WAC 284-07-110(3) is amended. The reference to a certified health plan is removed, a cite to the HMO chapter is included, as is a reference to fraternal benefit societies.

WAC 284-07-130(2) is amended to include a reference to the fraternal benefit societies chapter.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Kacy Scott, Insurance Commissioner, P.O. Box 40255, Olympia, WA 98504-0255,

e-mail Kacys@oic.wa.gov, AND RECEIVED BY October 8, 2002.

August 7, 2002
Mike Kreidler
Insurance Commissioner

AMENDATORY SECTION (Amending Matter No. R 2000-09, filed 5/15/01, effective 6/15/01)

WAC 284-07-050 ((Annual)) Financial statement instructions. (1) For the purpose of this section, the following definitions shall apply:

(a) "Insurer" shall have the same meaning as set forth in RCW 48.01.050. It also includes health care service contractors registered under chapter 48.44 RCW and health maintenance organizations registered under chapter 48.46 RCW, and fraternal benefit societies registered under chapter 48.36A RCW.

(b) "Insurance" shall have the same meaning as set forth in RCW 48.01.040. It also includes prepayment of health care services as set forth in RCW 48.44.010(3) and prepayment of comprehensive health care services as set forth in RCW 48.46.020(1).

(2) Each authorized insurer is required to file with the commissioner an annual statement for the previous calendar year in the general form and context as promulgated by the National Association of Insurance Commissioners (NAIC) for the kinds of insurance to be reported upon, and shall also file a copy thereof with the NAIC. To effectuate RCW 48.05.250, 48.05.400, 48.36A.260, 48.44.095 and 48.46.080 and to enhance consistency in the accounting treatment accorded various kinds of insurance transactions, the valuation of assets, and related matters, insurers shall adhere to the appropriate Annual Statement Instructions and the Accounting Practices and Procedures Manuals promulgated by the NAIC.

(3) This section does not relieve an insurer from its obligation to comply with specific requirements of the insurance code or rules thereunder.

(4) ~~((Number of))~~ Annual statements:

(a) Until December 31, 2002, for domestic insurers, the statements are to be filed in triplicate to assist with public viewing and copying. Two statements must be permanently bound on the left side. The third statement must be unbound. The statements are to be filed in the Olympia office.

(b) Until December 31, 2002, for foreign insurers, except for health care service contractors and health maintenance organizations, one statement shall be filed in the Olympia office. For health care service contractors and health maintenance organizations, two left side permanently bound and one unbound statement shall be filed in the Olympia office to assist with public viewing and copying.

(c) After December 31, 2002, annual statements for all domestic and foreign insurers must be filed electronically with the commissioner. This includes the annual statement for the year ended December 31, 2002. Insurers must electronically transmit the annual statement, as described in subsection (2) of this section, in PDF or other format as noted on the commissioner's website. The commissioner has the dis-

cretion to allow an insurer to file annual statements on paper. The insurer must demonstrate that filing in electronic form will create an undue financial hardship for the insurer. Applications for permission to file on paper must be received by the commissioner at least ninety days before the annual statement is due.

(d) To comply with statutory requirements that annual statements must be verified by the oaths of at least two of the insurer's officers, insurers may:

(i) Use a method of electronic signature verification that has been approved by the commissioner for use by the insurer; or

(ii) File a paper copy of the signature and jurat page of the annual statement at the time of the electronic filing of the annual statement. This paper copy must contain the original signature of the company officers and the notary administering the oath. A foreign insurer may use facsimile signatures or reproductions of original signatures for its paper copy.

(e) Both the electronic annual statement and the verification of that statement by the oaths of two officers must be received by the commissioner to complete an annual statement filing. The date of receipt of the later of the electronic annual statement or verification is considered the receipt date of the annual statement.

(5)(a) Each domestic insurer shall file quarterly ((reports)) statements of its financial condition with the commissioner and with the NAIC. Each foreign insurer shall file quarterly ((reports)) statements of its financial condition with the NAIC. The commissioner may require a foreign insurer to file quarterly ((reports)) statements with the commissioner whenever, in the commissioner's discretion, there is a need to more closely monitor the financial activities of the foreign insurer. The ((reports)) statements shall be filed in the commissioner's office not later than the forty-fifth day after the end of the insurer's calendar quarters. ((Such)) The quarterly ((reports)) statements shall be in the form and content as promulgated by the NAIC for quarterly reporting by insurers, shall be prepared according to appropriate Annual and Quarterly Statement Instructions and the Accounting Practices and Procedures Manuals promulgated by the NAIC and shall be supplemented with additional information required by this title and by the commissioner. The statement is to be completed and filed in the same manner and places as the annual statement. Quarterly ((reports)) statements for the fourth quarter are not required.

(b) Quarterly statements, beginning with the statement for the quarter ended March 31, 2003, must be filed with the commissioner by electronically transmitting the quarterly statement as described in this subsection, in PDF or other format as noted on the commissioner's website.

(6) As a part of any investigation by the commissioner, the commissioner may require an insurer to file monthly financial ((reports)) statements whenever, in the commissioner's discretion, there is a need to more closely monitor the financial activities of the insurer. Monthly financial statements shall be filed in the commissioner's office no later than the twenty-fifth day of the month following the month for which the financial ((report)) statement is being filed. Such monthly financial ((reports)) statements shall be the internal financial statements of the company. In addition, the com-

missioner may require these internal financial statements to be accompanied by a schedule converting the financial statements to reflect financial position according to statutory accounting practices and submitted in a form using the same format and designation as the insurer's quarterly financial ~~(reports)~~ statements of insurers. "Financial statements" as used in this subsection includes:

- (a) Statement of assets;
- (b) Liabilities, capital and surplus;
- (c) Statements of revenue and expenses; and
- (d) Statements of cash flows.

~~(7)~~ Health care service contractors shall use the ((Hospital, Medical, Dental Service or Indemnity Corporation's)) Health Statement Form promulgated by the NAIC for their statutory filings.

~~(8)~~ Each health care service contractor's and health maintenance organization's annual statement shall be accompanied by ((a monthly enrollment data form (IC-16 HC/IC-15 HMO) and)) an additional data statement form (IC-13A-HC/IC-14-HMO).

~~(9)~~ ((An insurer who on December 31, 1996, has not previously filed its annual or quarterly statements with the NAIC, shall comply with this rule for the year ending December 31, 1996, and each year thereafter. To enhance the intrastate and interstate surveillance of the insurer's financial condition earlier application is permitted.

~~(10)~~ The commissioner may allow a reasonable extension of the time ((within which such financial statements shall be filed)) for filing the financial statements. A request for an extension must be in writing. The request must be received prior to the due date of the filing and must state good cause for the extension. An extension can only be granted in writing; paper, fax, or e-mail is considered "writing" for purposes of this subsection.

AMENDATORY SECTION (Amending Order R 94-2, filed 1/27/94, effective 2/27/94)

WAC 284-07-060 Statement of actuarial opinion. (1)

For purposes of this section "insurer" has the same meaning as set forth in RCW 48.01.050. It also includes ~~((a certified health plan registered under chapter 48.43 RCW,))~~ health care service contractors registered under chapter 48.44 RCW ~~((and)),~~ health maintenance organizations registered under chapter 48.46 RCW, and fraternal benefit societies registered under chapter 48.36A RCW.

~~(2)~~ (a) Each insurer shall include with its annual statement, a statement from a qualified actuary, as defined in WAC 284-05-060, or as defined in subsection (4) of this section for domestic property and casualty insurers, or as defined in subsection (5) of this section for health care service contractors and health maintenance organizations entitled "Statement of Actuarial Opinion," setting forth the actuary's opinion relating to the insurer's reserves and other actuarial items, prepared in accordance with the appropriate *Annual Statement Instructions* and *Accounting Practices and Procedures Manuals* promulgated by the National Association of Insurance Commissioners. If an exemption is allowed by the *Annual Statement Instructions* and is approved by the domi-

ciliary commissioner, an insurer shall be exempt from this requirement (unless the commissioner of Washington makes a specific finding, by order, bulletin, letter, or otherwise, that for a specific insurer, or one or more insurers, company compliance is necessary to carry out the commissioner's statutory responsibilities). A certified copy of the approved exemption must be filed with the annual statement in all jurisdictions in which the company is authorized.

(b) After December 31, 2002, statements of actuarial opinion for all domestic and foreign insurers must be filed electronically with the commissioner. This includes the statement of actuarial opinion for the year ended December 31, 2002. Insurers must electronically transmit the statement of actuarial opinion, as described in (a) of this subsection, in PDF or other format as noted on the commissioner's website. The commissioner has the discretion to allow an insurer to file a statement of actuarial opinion on paper. The insurer must demonstrate that filing in electronic form will create an undue financial hardship for the insurer. Applications for permission to file a paper copy must be received by the commissioner at least ninety days before the statement of actuarial opinion is due.

(c) To comply with requirements that statements of actuarial opinion must be signed by the actuary, an insurer may:

(i) Use a method of electronic signature verification that has been approved by the commissioner for use by the insurer; or

(ii) File a paper copy of the signature page of the statement of actuarial opinion at the time of the electronic filing of the statement of actuarial opinion. The paper copy must contain the original signature of the actuary.

(3) This section does not relieve an insurer from its obligation to comply with other requirements of the insurance code or rules thereunder.

(4) With respect to statements of actuarial opinion for property and casualty insurers domiciled in this state, a person can demonstrate competency in loss reserve evaluation, and thus be considered to be a qualified actuary, only by being:

(a) A member in good standing of the Casualty Actuarial Society; or

(b) A member in good standing of the American Academy of Actuaries who has been approved as qualified for signing casualty loss reserve opinions by the Casualty Practice Council of the American Academy of Actuaries; or

(c) A person with documented experience, skill, and knowledge substantially equivalent to that required for either (a) or (b) of this subsection, acceptable to the commissioner. A person qualifying under this alternative (c) must be approved in advance by the commissioner, as prescribed by the *Annual Statement Instructions*.

(5) With respect to statements of actuarial opinion for health care service contractors and health maintenance organizations, the qualified actuary must be:

(a) A member in good standing of the American Academy of Actuaries;

(b) A person recognized by the American Academy of Actuaries as qualified for such actuarial evaluation; or

(c) A person with documented experience, skill, and knowledge substantially equivalent to that required for either (a) or (b) of this subsection, acceptable to the commissioner. A person qualifying under this alternative (c) must be approved in advance by the commissioner. In such a case, the health care service contractor or health maintenance organization must request approval at least ninety days prior to the filing of its annual statement.

AMENDATORY SECTION (Amending Matter No. R 95-18, filed 8/21/96, effective 9/21/96)

WAC 284-07-070 Statements to be filed in electronic form. (1) For the purpose of this section, the following definition shall apply: "Insurer" shall have the same meaning as set forth in RCW 48.01.050. It also includes health care service contractors registered under chapter 48.44 RCW (~~and~~), health maintenance organizations registered under chapter 48.46 RCW, and fraternal benefit societies registered under chapter 48.36A RCW.

(2) Annual statements, quarterly statements, and other financial reports filed by an insurer with the commissioner or the National Association of Insurance Commissioners shall be filed in electronic form as well as on paper through December 31, 2002. All annual, quarterly, and other financial statements filed by an insurer after December 31, 2002, shall be filed with the commissioner in electronic form only according to WAC 284-07-050.

(3) Until the commissioner otherwise directs by letter, bulletin, or otherwise, generally or as to one or more companies, "electronic form" means, on a diskette, Internet filing, or File Transfer Protocol (FTP) filing, for all filings made prior to January 1, 2003. For all filings required to be made on or after January 1, 2003, "electronic form" will exclude diskette.

~~(4) (Until the commissioner otherwise directs by letter, bulletin, or otherwise, generally or as to one or more companies, companies that operate only in Washington need not comply with subsection (2) of this section.~~

~~(5))~~ An insurer who on December 31, 1996, was not subject to this rule or has not previously filed in electronic form to the commissioner or the NAIC, shall comply with this rule for the year ending December 31, 1996, and each year thereafter. To enhance the intrastate and interstate surveillance of the insurer's financial condition earlier filing is permitted.

~~((6))~~ (5) The requirement under this section applies to the extent that the NAIC has issued a diskette submission directive or has otherwise approved or prescribed an applicable diskette format for the particular class of insurer.

~~((7))~~ (6) The commissioner may allow a reasonable extension of the time ~~((within which such electronic form shall be filed))~~ for filing the financial statements. A request for an extension must be in writing. The request must be received prior to the due date of the filing and must state good cause for the extension. An extension can only be granted in writing; paper, fax, or e-mail is considered "writing" for purposes of this subsection.

AMENDATORY SECTION (Amending Order R 94-2, filed 1/27/94, effective 2/27/94)

WAC 284-07-100 Purpose and scope. (1) The purpose of this regulation, WAC 284-07-100 through 284-07-230, is to improve the Washington state insurance commissioner's surveillance of the financial condition of insurers by requiring an annual examination by independent certified public accountants of the financial statements reporting the financial position and the results of operations of insurers.

(2) Every insurer, as defined in WAC 284-07-110, shall be subject to this regulation. Insurers having direct premiums written of less than one million dollars in any calendar year and less than one thousand policyholders or certificate holders of directly written policies nation-wide at the end of such calendar year shall be exempt from this rule for such year (unless the commissioner makes a specific finding that compliance is necessary for the commissioner to carry out statutory responsibilities) except that insurers having assumed premiums pursuant to contracts and/or treaties of reinsurance of one million dollars or more will not be so exempt.

(3) Foreign or alien insurers filing audited financial reports in another state, pursuant to such other state's requirement of audited financial reports which has been found by the commissioner to be substantially similar to the requirements herein, are exempt from this rule if:

(a) A copy of the Audited Financial Report, Report on Significant Deficiencies in Internal Controls, and the Accountant's Letter of Qualifications which are filed with such other state are filed with the commissioner in accordance with the filing dates specified in WAC 284-07-120, 284-07-190 and 284-07-200, respectively; and

(b) A copy of any Notification of Adverse Financial Condition Report filed with such other state is filed with the commissioner within the time specified in WAC 284-07-180.

Canadian insurers may submit accountants' reports as filed with the Canadian Dominion Department of Insurance.

(4) This rule shall not prohibit, preclude, or in any way limit the commissioner from ordering, conducting, or performing examinations of insurers under the rules, regulations, practices, and procedures of the insurance commissioner.

(5) After January 1, 2003, all reports and filings required by WAC 284-07-100 through 284-07-230 must be filed electronically with the commissioner. This includes the audit report for the insurer's financial statements for the year ended December 31, 2002. Insurers must electronically transmit the report or filing in PDF or other format as noted on the commissioner's website. The commissioner has the discretion to allow an insurer to file paper copies of reports and filings required by WAC 284-07-100 through 284-07-230. The insurer must demonstrate that filing in electronic form will create an undue financial hardship for the insurer. Applications for permission to file in hard copy must be received by the commissioner at least ninety days before the statement of annual statement is due.

(6) To comply with statutory or other requirements that reports or filings be signed or verified, insurers and accountants may:

(a) Use a method of electronic signature verification that has been approved by the commissioner; or

(b) File a paper copy of the signature or verification at the time of the electronic transmission of the report or filing.

(7) The report or filing and the appropriate signatures and/or verifications must both be received to complete a filing. The date of receipt of the later of the two parts of the filing is considered the receipt date of the report or filing.

AMENDATORY SECTION (Amending Order R 94-2, filed 1/27/94, effective 2/27/94)

WAC 284-07-110 Definitions. For the purposes of this regulation the following definitions shall apply:

(1) "Audited financial report" means and includes those items specified in WAC 284-07-130.

(2) "Accountant" and "independent certified public accountant" mean an independent certified public accountant or accounting firm in good standing with the American Institute of Certified Public Accountants and in all states in which they are licensed to practice; for Canadian and British companies, the terms mean a "Canadian-chartered or British-chartered accountant."

(3) "Insurer" has the same meaning as set forth in RCW 48.01.050. It also includes ~~((a certified health plan registered under chapter 48.43 RCW;))~~ health care service contractors registered under chapter 48.44 RCW ~~((and)),~~ health maintenance organizations registered under chapter 48.46 RCW, and fraternal benefit societies registered under chapter 48.36A RCW.

(4) "NAIC" means National Association of Insurance Commissioners.

(5) "Policy holder" shall also mean subscriber.

AMENDATORY SECTION (Amending Matter No. R 2001-03, filed 10/18/01, effective 11/18/01)

WAC 284-07-130 Contents of annual audited financial report. (1) The annual audited financial report shall report the financial position of the insurer as of the end of the most recent calendar year and the results of its operations, cash flows, and changes in capital and surplus for the year then ended in conformity with statutory accounting practices prescribed, or otherwise permitted, by the commissioner.

(2) The annual audited financial report shall include the following:

- (a) Report of independent certified public accountant.
- (b) Balance sheet reporting admitted assets, liabilities, capital, and surplus.
- (c) Statement of operations.
- (d) Statement of cash flows.
- (e) Statement of changes in capital and surplus.
- (f) Notes to financial statements. These notes shall be those required by the appropriate NAIC Annual Statement Instructions and *NAIC Accounting Practices and Procedures Manual*. The notes shall include a reconciliation of differences, if any, between the audited statutory financial statements and the annual statement filed pursuant to RCW 48.05.250, 48.05.073, 48.36A.260, 48.43.050, 48.43.097~~((+))~~, 48.44.095, or 48.46.080 with a written description of the nature of these differences.

(g) The financial statements included in the audited financial report shall be prepared in a form and using language and groupings substantially the same as the relevant sections of the annual statement of the insurer filed with the commissioner, and the financial statements shall be comparative, presenting the amounts as of December 31. However, in the first year in which an insurer is required to file an audited financial report, the comparative data may be omitted.

WSR 02-16-093

EXPEDITED RULES

OFFICE OF

INSURANCE COMMISSIONER

[Filed August 7, 2002, 10:52 a.m.]

Title of Rule: Specialty producer licenses.

Purpose: Chapter 357, Laws of 2002 (ESHB 2224) requires vendors of insurance covering communications equipment to file a specialty producer license application with the commissioner. The proposed regulations will implement this new law.

Other Identifying Information: Insurance Commissioner Matter No. R 2002-08.

Statutory Authority for Adoption: RCW 48.02.060, chapter 357, Laws of 2002.

Statute Being Implemented: Chapter 357, Laws of 2002.

Summary: Chapter 357, Laws of 2002 requires vendors that sell to, enroll in, and bill and collect premiums from customers for insurance covering communications equipment on a master, corporate, group, or individual policy basis to file a specialty producer license application with the commissioner. These proposed rules will establish the process and fees for licensure of rental car companies and their agents.

Reasons Supporting Proposal: The proposed regulations will implement the new law and create the necessary rules for the new type of licensure.

Name of Agency Personnel Responsible for Drafting: Jon Hedegard, P.O. Box 40255, Olympia, WA 98504-0255, (360) 664-4629; Implementation: Georgia Cooper, P.O. Box 40257, Olympia, WA 98504-0256, (360) 438-7707; and Enforcement: Scott Jarvis, P.O. Box 40257, Olympia, WA 98504-0256, (360) 438-7697.

Name of Proponent: Mike Kreidler, Insurance Commissioner, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 357, Laws of 2002 (ESHB 2224) requires vendors that sell to, enroll in, and bill and collect premiums from customers for insurance covering communications equipment on a master, corporate, group, or individual policy basis to file a specialty producer license application with the commissioner. The proposed rules will establish the process and fees for licensure of rental car companies and their agents. The proposed rules implement the new law and create the necessary rules for the new type of licensure.

Proposal does not change existing rules.

EXPEDITED

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Kacy Scott, Insurance Commissioner, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacys@oic.wa.gov, AND RECEIVED BY October 8, 2002.

August 7, 2002

Mike Kreidler
Insurance Commissioner

Chapter 284-17A WAC

COMMUNICATIONS EQUIPMENT LICENSES

NEW SECTION

WAC 284-17A-010 Do I need to be licensed as a specialty producer? If you lease, sell, or provide communications equipment or communications service, you must have a specialty producer license in order to market insurance related to the sale of the communications equipment.

NEW SECTION

WAC 284-17A-020 What definitions are important throughout the chapter? (1) "Communications equipment" means cell phone handsets, pagers, personal digital assistants, portable computers, automatic answering devices, batteries, and their accessories or other devices used to originate or receive communications signals or service approved for coverage by rule of the commissioner, and also includes services related to the use of the devices.

(2) "Communications equipment insurance program" means an insurance program.

(3) "Communications service" means the service necessary to send, receive, or originate communications signals.

(4) "Customer" means a person or entity purchasing or leasing communications equipment or communications services from a vendor.

(5) "Specialty producer license" means a license issued that authorizes a vendor to offer or sell insurance.

(6) "Supervising agent" means an agent licensed under RCW 48.17.060 who provides training and is affiliated to a licensed vendor.

(7) "Vendor" means a person or entity resident or with offices in this state in the business of leasing, selling, or providing communications equipment or communications services to customers.

(8) "Appointing insurer" means the insurer appointing the vendor as its agent under a specialty producer license.

NEW SECTION

WAC 284-17A-030 How do I apply for specialty producer license? Forms and instructions may be obtained from the licensing section of the office of insurance commissioner.

To apply for a specialty producer license, you must submit to the licensing section of the OIC the following:

(1) An application with the commissioner signed by the applicant, or an officer of the applicant, and include the following:

(a) Applicant's name;

(b) If an entity, the type of entity;

(c) Address for its primary location in the state of Washington and each additional location at which it intends to offer communications equipment insurance to Washington consumers;

(d) A copy of its articles of incorporation; and

(e) A certificate of good standing from the secretary of state.

(2) An appointment as an agent completed by each authorized insurer(s) authorizing the applicant to represent the insurer.

(3) An affiliation completed by the applicant authorizing the supervising agent to represent the applicant. The supervising agent must be licensed under RCW 48.17.060.

(4) Fees:

• License fee	\$500
• Appointment fee	\$20 each
• Affiliation fee	\$20

NEW SECTION

WAC 284-17A-040 How do I renew the license? A renewal notice will be mailed to each licensed specialty producer in May for renewal by July 1 of each year. You must submit this renewal notice with the two hundred fifty dollar fee, if received prior to the July 1 expiration. If received one to thirty days late, the fee is three hundred seventy-five dollars. If received thirty-one to sixty days late, the fee is five hundred dollars. If received after sixty days, the license, appointment(s) and affiliation must be reinstated.

NEW SECTION

WAC 284-17A-050 What information must I provide to prospective customers? Approved written material must be readily available to prospective customers at every location where you sell a communications equipment insurance program.

NEW SECTION

WAC 284-17A-060 What is included in the written material? The supervising agent must submit the written materials regarding the program with the initial application for approval with the commissioner. Any changes or additions to this material must be approved by the commissioner prior to implementation. The materials must:

- (1) Clearly and correctly summarize the material terms of the coverage offered and identify the insurer and supervising agent or broker;
- (2) State that the purchase of the communications equipment insurance program is not required in order to purchase or lease communications equipment;
- (3) Separately set forth the charges applicable to the coverage; and
- (4) Describe the process for filing a claim.

NEW SECTION

WAC 284-17A-070 Do I need to provide training to my employees? The supervising agent must supervise a communication equipment insurance training program for the vendor's employees. The supervising agent must be authorized and approved by the appointing insurer. The supervising agent must file with the commissioner an outline of the training materials used to train employees of the licensed vendor about the communications equipment insurance program.

NEW SECTION

WAC 284-17A-080 What are the requirements for the accounting of premiums? The specialty producer shall not be required to treat premiums collected from its customers as funds received in a fiduciary capacity, provided that:

The premium charge is separately itemized on customer billings and periodically remitted to the supervising agent pursuant to the terms of a written contract; and

The insurer has consented in writing, signed by an officer of the insurer, that premiums need not be segregated from other funds received by the vendor.

NEW SECTION

WAC 284-17A-090 Does the commissioner have authority to suspend, fine, or revoke my license or refuse to license me? Yes. The commissioner can deny a license application, fine a vendor, or suspend or revoke a license. See RCW 48.17.540 through 48.17.560. The conduct of your employees and any authorized representatives within the scope of their employment or agency is viewed under the law as your conduct.

NEW SECTION

WAC 284-17A-100 What is the effective date of this rule? Each communications equipment vendor offering communications equipment insurance prior to July 1, 2002, may continue to offer such insurance provided that it makes application for licensure as a communications equipment insurance specialty producer on or before January 1, 2003. The expiration date of this initial license is July 1, 2004.



WSR 02-14-063
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Adult Services Administration)
[Filed June 27, 2002, 3:16 p.m.]

Date of Adoption: June 20, 2002.

Purpose: Review and update chapter 388-98 WAC, Nursing home licensure program administration, under Executive Order 97-02. Repealing all sections of chapter 388-98 WAC and merging the subject matter into chapter 388-97 WAC, Nursing homes, in order to bring all nursing homes regulations into one chapter to easier reference.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-98-001, 388-98-003, 388-98-010, 388-98-015, 388-98-020, 388-98-300, 388-98-320, 388-98-330, 388-98-340, 388-98-700, 388-98-750, 388-98-810, 388-98-830, 388-98-870 and 388-98-890; and amending WAC 388-97-005, 388-97-043, 388-97-07005, 388-97-07040, 388-97-07050, 388-97-076, 388-97-160, 388-97-162, 388-97-180, 388-97-202, 388-97-205, 388-97-260, 388-97-285, 388-97-35040, 388-97-565, 388-97-570, 388-97-575, 388-97-580, 388-97-585, and 388-97-595.

Statutory Authority for Adoption: RCW 18.51.070, 74.42.620.

Adopted under notice filed as WSR 02-07-116 on March 20, 2002.

Changes Other than Editing from Proposed to Adopted Version: (a) WAC 388-97-043(2), changed "**outcome of the appeal**" to "**outcome of the hearing**." Accepted amendment to be consistent with federal regulations; (b) WAC 388-97-043(3), added new subpart (e) "**Any review of the administrative law judge's initial decision shall be conducted under WAC 388-02-0600(1)**." Accepted amendment to comply with existing federal regulation—clarification of federal requirement that the department must follow; (c) WAC 388-97-160(4), deleted subsection (4) from this regulation as intent of regulation as a result of public comment; (d) WAC 388-97-160(9), added "**including protocols described in RCW 74.39A.060**" after "**according to established protocols**" for clarification of standard practice; (e) WAC 388-97-204, deleted subsection (3)(e) as it is not referred to in RCW 74.34.180. Deletion of this subsection would make it consistent with state regulation; (f) WAC 388-97-595, added new subsection (1)(c) "**The nursing home will assist the residents to the extent is directed to do so by the department**." This is a result of public comment and to be consistent with the nursing home's responsibility already outlined under WAC 388-97-042 (3)(a) and 388-97-032(6); (g) WAC 388-97-625 (2)(b), deleted "**against the nursing home, or**" and replaced with "**by the department such as**." Added before 18.51.054, "**a license suspension under RCW**" and added before 74.39A.050, "**a condition on a license under RCW**." Revised as a result of public comment and for clarification; (h) WAC 388-97-625(3), added "**If a federal remedy is imposed, the Centers for Medicare and Medicaid services will notify the nursing facility of appeal rights under the**

federal administrative appeals process." Accepted amendment as clarification of what is already stated in WAC 388-97-620 that nursing homes have a right to appeal the federal deficiency if there is a federal remedy; (i) WAC 388-97-625(6), added "**as defined in subsection 2**" after "**written notification of the department's actions**." Accepted as a result of public comment and clarification referring back to definition of action in subsection (2); and (j) WAC 388-97-640 (1)(a), changed from "**not limited to but including resident's rights**" to "**including but not limited to a violation of resident's rights**." Accepted amendment as clarification for easier reading.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 2, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 19, Amended 19, Repealed 15.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 21, Amended 20, Repealed 15.

Effective Date of Rule: Thirty-one days after filing.

June 20, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-06-028, filed 2/24/00, effective 3/26/00)

WAC 388-97-005 Definitions. "Abandonment" means action or inaction by an individual or entity with a duty of care for a vulnerable adult that leaves the vulnerable individual without the means or ability to obtain necessary food, clothing, shelter, or health care.

"Abuse" means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain or mental anguish. Further clarification of the definition of abuse, and examples of types of behavior that constitute abuse are described in RCW 74.34.020(2).

"Administrative hearing" is a formal hearing proceeding before a state administrative law judge that gives a licensee an opportunity to be heard in disputes about licensing actions, including the imposition of remedies, taken by the department.

"Administrative law judge (ALJ)" means an impartial decision-maker who presides over an administrative hearing. ALJs are employed by the office of administrative hearings (OAH), which is a separate state agency. ALJs are not DSHS employees or DSHS representatives.

"Administrator" means a nursing home administrator, licensed under chapter 18.52 RCW, must be in active administrative charge of the nursing home, as that term is defined in the board of nursing home administrator's regulations.

"Advanced registered nurse practitioner (ARNP)" means a registered nurse currently licensed in Washington under RCW ((18.88.175)) 18.79.050 or successor laws.

"Applicant" means an individual, partnership, corporation, or other legal entity seeking a license to operate a nursing home.

"ASHRAE" means the American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc.

"Attending physician" means the doctor responsible for a particular individual's total medical care.

"Berm" means a bank of earth piled against a wall.

"Chemical restraint" means a psychopharmacologic drug that is used for discipline or convenience and not required to treat the resident's medical symptoms.

"Civil fine" is a civil monetary penalty assessed against a nursing home as authorized by chapters 18.51 and 74.42 RCW. There are two types of civil fines, "per day" and "per instance."

(1) "Per day fine" means a fine imposed for each day that a nursing home is out of compliance with a specific requirement. Per day fines are assessed in accordance with WAC 388-97-660(1); and

(2) "Per instance fine" means a fine imposed for the occurrence of a deficiency.

"Condition on a license" means that the department has imposed certain requirements on a license and the licensee cannot operate the nursing home unless the requirements are observed.

"Deficiency" is a nursing home's failed practice, action or inaction that violates any or all of the following:

(1) Requirements of chapters 18.51 or 74.42 RCW, or the requirements of this chapter; and

(2) In the case of a Medicare and Medicaid contractor, participation requirements under Title XVIII and XIX of the Social Security Act and federal Medicare and Medicaid regulations.

"Deficiency citation" or "cited deficiency" means written documentation by the department that describes a nursing home's deficiency(ies); the requirement that the deficiency(ies) violates; and the reasons for the determination of noncompliance.

"Deficient facility practice" or "failed facility practice" means the nursing home action(s), error(s), or lack of action(s) that provide the basis for the deficiency.

"Dementia care" means a therapeutic modality or modalities designed specifically for the care of persons with dementia.

"Denial of payment for new admissions" is an action imposed on a nursing home (facility) by the department that prohibits payment for new Medicaid admissions to the nursing home after a specified date. Nursing homes certified to provide Medicare and Medicaid services may also be subjected to a denial of payment for new admissions by the federal Centers for Medicare and Medicaid Services.

"Department" means the state department of social and health services (DSHS).

"Department on-site monitoring" means an optional remedy of on-site visits to a nursing home by department staff according to department guidelines for the purpose of monitoring resident care or services or both.

"Dietitian" means a qualified dietitian. A qualified dietitian is one who is registered by the American Dietetic Association or certified by the state of Washington.

"Disclosure statement" means a signed statement by an individual ((indicating)) in accordance with the requirements under RCW 43.43.834. The statement should include a disclosure of whether or not the individual ((was)) has been convicted of certain crimes or has been found by any court, state licensing board, disciplinary board, or protection proceeding to have neglected, sexually abused, financially exploited, or physically abused any minor or adult individual.

"Drug" means a substance:

(1) Recognized as a drug in the official *United States Pharmacopoeia*, *Official Homeopathic Pharmacopoeia of the United States*, *Official National Formulary*, or any supplement to any of them; or

(2) Intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease.

"Drug facility" means a room or area designed and equipped for drug storage and the preparation of drugs for administration.

"Emergency closure" is an order by the department to immediately close a nursing home.

"Emergency transfer" is an order by the department to immediately transfer residents from a nursing home to safe settings.

"Entity" means any type of firm, partnership, corporation, company, association, or joint stock association ((and the legal successor(s))).

"Financial exploitation" means the illegal or improper use of the property, income, resources, or trust funds of the vulnerable adult by any individual for his or her profit or advantage.

"Habilitative services" means the planned interventions and procedures which constitute a continuing and comprehensive effort to teach an individual previously undeveloped skills.

"Highest practicable physical, mental, and psychosocial well-being" means that the nursing home must provide each resident with the necessary individualized care and services to assist the resident to achieve or maintain the highest possible health, functional and independence level in accordance with the resident's comprehensive assessment and plan of care. Care and services provided by the nursing home must be consistent with all requirements in this chapter, chapter 74.42 and 18.51 RCW, and the resident's informed choices. For Medicaid and Medicare residents, care and services must also be consistent with Title XVIII and XIX of the Social Security Act and federal Medicare and Medicaid regulations.

"Informal department review" is a dispute resolution process that provides an opportunity for the licensee or

administrator to informally present information to a department representative about disputed, cited deficiencies. Refer to WAC 388-97-620.

"Inspection" or "survey" means the process by which department staff evaluate the nursing home licensee's compliance with applicable statutes and regulations.

"Intermediate care facility for the mentally retarded (ICF/MR)" means an institution certified under chapter 42 C.F.R., Part 483, Subpart I, and licensed under chapter 18.51 RCW.

"License revocation" is an action taken by the department to cancel a nursing home license in accordance with RCW 18.51.060 and WAC 388-97-570.

"License suspension" is an action taken by the department to temporarily revoke a nursing home license in accordance with RCW 18.51.060 and this chapter.

"Licensee" means an individual, partnership, corporation, or other legal entity licensed to operate a nursing home.

"Licensed practical nurse" means an individual licensed under chapter 18.79 RCW;

"Mandated reporter" as used in this chapter means any employee of a nursing home, any health care provider subject to chapter 18.130 RCW, the Uniform Disciplinary Act, and any licensee of a nursing home. Under RCW 74.34.020, mandated reporters also include any employee of the department of social and health services, law enforcement officers, social workers, professional school personnel, individual providers, employees and licensees of boarding home, adult family homes, soldiers' homes, residential habilitation centers, or any other facility licensed by the department, employees of social service, welfare, mental health, adult day health, adult day care, home health, home care, or hospice agencies, county coroners or medical examiners, or Christian Science practitioners.

"Misappropriation of resident property" means the (~~illegal or improper, patterned or~~) deliberate misplacement, exploitation, or wrongful, temporary or permanent use of a resident's belongings or money.

"NFPA" means National Fire Protection Association, Inc.

"Neglect":

(1) For a nursing home licensed under chapter 18.51 RCW, neglect means that an individual or entity with a duty of care for nursing home residents has:

(a) By a pattern of conduct or inaction, failed to provide goods and services to maintain physical or mental health or to avoid or prevent physical or mental harm or pain to a resident; or

(b) By an act or omission, demonstrated a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the resident's health, welfare, or safety.

(2) For a skilled nursing facility or nursing facility, neglect also means a failure to provide a resident with the goods and services necessary to avoid physical harm, mental anguish, or mental illness.

"Noncompliance" means a state of being out of compliance with state and/or federal requirements for nursing homes/facilities.

"Nursing assistant" means a nursing assistant as defined under RCW 18.88A.020 or successor laws.

"Nursing facility (NF)" or "Medicaid-certified nursing facility" means a nursing (~~facility as defined in~~) home that has been certified to provide nursing services to Medicaid recipients under Section 1919(a) of the Federal Social Security Act (~~and regulations put into effect under that law, or under successor laws~~).

"Nursing home" means any facility licensed to operate under chapter 18.51 RCW.

"Officer" means an individual serving as an officer of a corporation.

"Owner of five percent or more of the assets of a nursing home" means:

(1) In the case of a sole proprietorship, the owner, or if owned as community property, the owner and the owner's spouse;

(2) In the case of a corporation, the owner of at least five percent of the capital stock of a corporation; or

(3) In the case of other types of business entities, the owner of a beneficial interest in at least five percent of the capital assets of an entity.

"Partner" means an individual in a partnership owning or operating a nursing home.

"Person" means any individual, firm, partnership, corporation, company, association or joint stock association.

"Pharmacist" means an individual licensed by the Washington state board of pharmacy under chapter 18.64 RCW.

"Pharmacy" means a place licensed under chapter 18.64 RCW where the practice of pharmacy is conducted.

"Physical restraint" means any manual method or physical or mechanical device, material, or equipment attached or adjacent to the resident's body that the resident cannot remove easily, and which restricts freedom of movement or access to the resident's body.

"Physician's assistant (PA)" means a physician's assistant as defined under chapter 18.57A or 18.71A RCW or successor laws.

"Plan of correction" is a nursing home's written response to cited deficiencies that explains how it will correct the deficiencies and how it will prevent their reoccurrence.

"Reasonable accommodation" and **"reasonably accommodate"** has the meaning given in federal and state anti-discrimination laws and regulations. For the purpose of this chapter:

(1) Reasonable accommodation means that the nursing home must:

(a) Not impose admission criteria that excludes individuals unless the criteria is necessary for the provision of nursing home services;

(b) Make reasonable modification to its policies, practices or procedures if the modifications are necessary to accommodate the needs of the resident;

(c) Provide additional aids and services to the resident.

(2) Reasonable accommodations are not required if:

(a) The resident or individual applying for admission presents a significant risk to the health or safety of others that cannot be eliminated by the reasonable accommodation;

(b) The reasonable accommodations would fundamentally alter the nature of the services provided by the nursing home; or

(c) The reasonable accommodations would cause an undue burden, meaning a significant financial or administrative burden.

"Receivership" is established by a court action and results in the removal of a nursing home's current licensee and the appointment of a substitute licensee to temporarily operate the nursing home.

"Recurring deficiency" means a deficiency that was cited by the department, corrected by the nursing home, and then cited again within fifteen months of the initial deficiency citation.

"Registered nurse" means an individual licensed under chapter 18.79 RCW or successor laws.

"Rehabilitative services" means the planned interventions and procedures which constitute a continuing and comprehensive effort to restore an individual to the individual's former functional and environmental status, or alternatively, to maintain or maximize remaining function.

"Resident" generally means an individual residing in a nursing home, and if applicable, the surrogate decision maker. The term resident excludes outpatients and individuals receiving adult day or night care, or respite care.

"Resident care unit" means a functionally separate unit including resident rooms, toilets, bathing facilities, and basic service facilities.

"Respiratory isolation" is a technique or techniques instituted to prevent the transmission of pathogenic organisms by means of droplets and droplet nuclei coughed, sneezed, or breathed into the environment.

"Siphon jet clinic service sink" means a plumbing fixture of adequate size and proper design for waste disposal with siphon jet or similar action sufficient to flush solid matter of at least two and one-eighth inches in diameter.

"Skilled nursing facility (SNF)" or "Medicare-certified skilled nursing facility" means a ((skilled)) nursing ((facility as defined in)) home that has been certified to provide nursing services to Medicare recipients under Section 1819(a) of the Federal Social Security Act((and regulations put into effect under that law, or successors to that law)).

"Social/therapeutic leave" means leave which is for the resident's social, emotional, or psychological well being; it does not include medical leave.

"Staff work station" means a location at which nursing and other staff perform charting and related activities throughout the day.

"Stop placement" or "stop placement order" is an action taken by the department prohibiting nursing home admissions, readmissions, and transfers of patients into the nursing home from the outside.

"Substantial compliance" means the nursing home has no deficiencies higher than severity level 1 as described in

WAC 388-97-640, or for Medicaid certified facility, no deficiencies higher than a scope and severity "C."

"Surrogate decision maker" means a resident representative or representatives as outlined in WAC 388-97-055, and as ((established by law under chapter 7.70 RCW)) authorized by RCW 7.70.065.

"Survey" means the same as "inspection" as defined in this section.

"Temporary manager" means an individual or entity appointed by the department to oversee the operation of the nursing home to ensure the health and safety of its residents, pending correction of deficiencies or closure of the facility.

"Termination" means an action taken by:

(1) The department, or the nursing home, to cancel a nursing home's Medicaid certification and contract; or

(2) The Department of Health and Human Services Centers for Medicare and Medicaid Services, or the nursing home, to cancel a nursing home's provider agreement to provide services to Medicaid or Medicare recipients, or both.

"Toilet room" means a room containing at least one toilet fixture.

"Uncorrected deficiency" is a deficiency that has been cited by the department and that is not corrected by the licensee by the time the department does a revisit.

"Violation" means the same as "deficiency" as defined in this section.

"Volunteer" means an individual who is a regularly scheduled individual not receiving payment for services and having unsupervised access to a nursing home resident.

"Whistle blower" means a resident, employee of a nursing home, or any person licensed under Title 18 RCW, who in good faith reports alleged abandonment, abuse, financial exploitation, or neglect to the department, the department of health or to a law enforcement agency.

AMENDATORY SECTION (Amending WSR 00-06-028, filed 2/24/00, effective 3/26/00)

WAC 388-97-043 Transfer and discharge appeals for residents in Medicare or Medicaid certified facilities. (1) A skilled nursing facility and a nursing facility that initiates transfer or discharge of any resident, regardless of payor status, must:

(a) Provide the required written notice of transfer or discharge to the resident and, if known or appropriate, to a family member or the resident's representative;

(b) Attach a department-designated hearing request form to the transfer or discharge notice;

(c) Inform the resident in writing, in a language and manner the resident can understand, that:

(i) An appeal request may be made any time up to ninety days from the date the resident receives the notice of transfer or discharge; and

(ii) Transfer or discharge will be suspended when an appeal request is received by the office of administrative hearings on or before the date the resident actually transfers or discharges; and

(iii) The nursing home will assist the resident in requesting a hearing to appeal the transfer or discharge decision.

(2) A skilled nursing facility or nursing facility must suspend transfer or discharge pending the outcome of the ~~((appeal))~~ hearing when the resident's appeal is received by the office of administrative hearings on or before the date of the transfer or discharge set forth in the written transfer or discharge notice, or before the resident is actually transferred or discharged.

(3) The resident is entitled to appeal the skilled nursing facility or nursing facility's transfer or discharge decision. The appeals process is set forth in chapter ~~((388-08))~~ 388-02 WAC and this chapter. In such appeals, the following will apply:

(a) In the event of a conflict between a provision in this chapter and a provision in chapter ~~((388-08))~~ 388-02 WAC, the provision in this chapter will prevail;

(b) The resident ~~((shall))~~ must be the appellant and the skilled nursing facility or the nursing facility will be the respondent;

(c) The department must be notified of the appeal and may choose whether to participate in the proceedings. If the department chooses to participate, its role is to represent the state's interest in assuring that skilled nursing facility and nursing facility transfer and discharge actions comply substantively and procedurally with the law and with federal requirements necessary for federal funds;

(d) If a Medicare certified or Medicaid certified facility's decision to transfer or discharge a resident is not upheld, and the resident has been relocated, the resident has the right to readmission immediately upon the first available bed in a semi-private room if the resident requires and is eligible for the services provided by ~~((the))~~ a nursing facility or skilled nursing facility.

(e) Any review of the administrative law judge's initial decision shall be conducted under WAC 388-02-0600(1).

AMENDATORY SECTION (Amending WSR 00-06-028, filed 2/24/00, effective 3/26/00)

WAC 388-97-07005 Notice of rights and services. (1)

The nursing home must ~~((inform))~~ provide the resident, before admission, or at the time of admission in the case of an emergency, and as changes occur during the resident's stay, both orally and in writing and in language and words that the resident understands, ~~((of his or her rights as a resident, including))~~ with the following information:

(a) All rules and regulations governing resident conduct, resident's rights and responsibilities during the stay in the nursing home;

(b) Advanced directives, and of any ~~((facility))~~ nursing home policy or practice that might conflict with the resident's advance directive if made;

(c) Advance notice ~~((of))~~ of transfer requirements, consistent with RCW ~~((70-129-150))~~ 70.129.110;

(d) Advance notice of deposits and refunds, consistent with RCW 70.129.150; and

(e) Items, services and activities available in the ~~((facility))~~ nursing home and of charges for those services, including any charges for services not covered under Medicare or Medicaid or by the ~~((facility's))~~ home's per diem rate.

(2) The resident has the right to:

(a) Upon an oral or written request, to access all records pertaining to the resident including clinical records within twenty-four hours ~~((for Medicare certified and Medicaid certified facilities, and according to chapter 70.02 RCW));~~ and

(b) After receipt of his or her records for inspection, to purchase at a cost not to exceed twenty-five cents a page, photocopies of the records or any portions of them upon request and two working days advance notice to the nursing home. For the purposes of this chapter, "**working days**" means Monday through Friday, except for legal holidays.

(3) The resident has the right to:

(a) Be fully informed in words and language that he or she can understand of his or her total health status, including, but not limited to, his or her medical condition;

(b) Accept or refuse treatment; and

(c) Refuse to participate in experimental research.

(4) The ~~((Medicare certified and Medicaid certified facility))~~ nursing home must inform each resident:

(a) Who is entitled to Medicaid benefits, in writing, prior to the time of admission to the nursing facility or, when the resident becomes eligible for Medicaid of the items, services and activities:

(i) That are included in nursing facility services under the Medicaid state plan and for which the resident may not be charged; and

(ii) That the ~~((facility))~~ nursing home offers and for which the resident may be charged, and the amount of charges for those services;

(b) That deposits, admission fees and prepayment of charges cannot be solicited or accepted from Medicare or Medicaid eligible residents; and

(c) That minimum stay requirements cannot be imposed on Medicare or Medicaid eligible residents.

(5) The nursing home must, except for emergencies, inform each resident in writing, thirty days in advance before changes are made to the availability or charges for items, services or activities specified in section (4)(a)(i) and (ii), or before changes to the ~~((facility))~~ nursing home rules.

(6) The private pay resident has the right to the following, regarding fee disclosure-deposits:

(a) Prior to admission, a nursing home that requires payment of an admission fee, deposit, or a minimum stay fee, by or on behalf of an individual seeking admission to the ~~((facility))~~ nursing home, must provide the individual:

(i) Full disclosure in writing in a language the potential resident or his representative understands:

(A) Of the nursing home's schedule of charges for items, services, and activities provided by the ~~((facility))~~ nursing home; and

(B) Of what portion of the deposits, admissions fees, pre-paid charges or minimum stay fee will be refunded to the resident if the resident leaves the ~~((facility))~~ nursing home.

(ii) The amount of any admission fees, deposits, or minimum stay fees.

(iii) If the nursing home does not provide these disclosures, the nursing home must not keep deposits, admission fees, prepaid charges or minimum stay fees.

(b) If a resident dies or is hospitalized or is transferred and does not return to the ((facility)) nursing home, the nursing home:

(i) Must refund any deposit or charges already paid, less the ((facility's)) home's per diem rate, for the days the resident actually resided or reserved or retained a bed in the ((facility)) nursing home, regardless of any minimum stay or discharge notice requirements; except that

(ii) The ((facility)) nursing home may retain an additional amount to cover its reasonable, actual expenses incurred as a result of a private pay resident's move, not to exceed five days per diem charges, unless the resident has given advance notice in compliance with the admission agreement.

(c) The nursing home must refund any and all refunds due the resident within thirty days from the resident's date of discharge from the ((facility)) nursing home; and

(d) Where the nursing home requires the execution of an admission contract by or on behalf of an individual seeking admission to the ((facility)) nursing home, the terms of the contract must be consistent with the requirements of this section.

(7) The nursing home must furnish a written description of legal rights which includes:

(a) A description of the manner of protecting personal funds, under WAC 388-97-07015.

(b) In the case of a nursing facility only, a description of the requirements and procedures for establishing eligibility for Medicaid, including the right to request an assessment which determines the extent of a couple's nonexempt resources at the time of institutionalization and attributes to the community spouse an equitable share of resources which cannot be considered available for payment toward the cost of the institutionalized spouse's medical care in his or her process of spending down to Medicaid eligibility levels;

(c) A posting of names, addresses, and telephone numbers of all relevant state client advocacy groups such as the state survey and certification agency, the state licensure office, the state ombudsman program, the protection and advocacy network, and the Medicaid fraud control unit; and

(d) A statement that the resident may file a complaint with the state survey and certification agency concerning resident abandonment, abuse, neglect, financial exploitation, and misappropriation of resident property in the nursing home.

(8) The nursing home must:

(a) Inform each resident of the name, and specialty of the physician responsible for his or her care; and

(b) Provide a way for each resident to contact his or her physician.

(9) The skilled nursing facility and nursing facility must prominently display in the facility written information, and provide to residents and ((applicants)) individuals applying for admission oral and written information, about how to apply for and use Medicare and Medicaid benefits, and how to receive refunds for previous payments covered by such benefits.

(10) The written information provided by the nursing home pursuant to this section, and the terms of any admission contract executed between the nursing home and an individ-

ual seeking admission to the nursing home, must be consistent with the requirements of chapters 74.42 and 18.51 RCW and, in addition, for facilities certified under Medicare or Medicaid, with the applicable federal requirements.

AMENDATORY SECTION (Amending WSR 00-06-028, filed 2/24/00, effective 3/26/00)

WAC 388-97-07040 Examination of survey results.

(1) ((A)) The resident has the right to examine the results of:

(a) The most recent survey ((and complaint investigation)) of the nursing home conducted by federal and state surveyors ((or inspectors and the plans of correction in effect with respect to the facility));

(b) Surveys related to any current or subsequent complaint investigation; and

(c) Any required accompanying plan of correction, completed or not.

(2) Upon receipt of any deficiency citation report, the nursing home must publicly post a notice:

(a) ((A copy of the report and plan of correction of the most recent full survey and complaint investigations; and

(b) A notice that the results of the survey and investigation are available and the location of the reports.

(3) The nursing home must post a copy or copies of survey and complaint investigations, with plans of correction, and notices, available for examination in a place or places:

(a) Readily accessible to residents, which does not require staff intervention to access; and

(b) In plain view of the nursing home residents, individuals visiting those residents, and individuals who inquire about placement in the facility)) That the results of the survey or complaint investigation, or both, are available regardless of whether the plan of correction is completed or not;

(b) Of the location of the deficiency citation reports.

(3) For a report posted prior to the plan of correction being completed, the nursing home may attach an accompanying notice that explains the purpose and status of the plan of correction, informal dispute review, administrative hearing and other relevant information.

(4) Upon receipt of any citation report, the nursing home must publicly post a copy of the most recent full survey and all subsequent complaint investigation deficiency citation reports, including the completed plans of correction, when one is required.

(5) The notices and any survey reports must be available for viewing or examination in a place or places:

(a) Readily accessible to residents, which does not require staff interventions to access; and

(b) In plain view of the nursing home residents, including individuals visiting those residents, and individuals who inquire about placement in the nursing home.

AMENDATORY SECTION (Amending WSR 00-06-028, filed 2/24/00, effective 3/26/00)

WAC 388-97-07050 Access and visitation rights. (1)

The resident has the right and the nursing home must provide immediate access to any resident by the following:

(a) For Medicare and Medicaid residents any representative of the ((secretary)) U.S. Department of Health and Human Services (DHHS);

(b) Any representative of the state;

(c) The resident's personal physician;

(d) Any representative of the state long term care ombudsman program (established under section 307 (a)(12) of the Older American's Act of 1965);

(e) ~~((The agency responsible for the protection and advocacy system for developmentally disabled individuals))~~ Any representative of the Washington protection and advocacy system, or any other agency (established under part c of the Developmental Disabilities Assistance and Bill of Rights Act);

(f) ~~((The agency responsible for the protection and advocacy system for mentally ill individuals))~~ Any representative of the Washington protection and advocacy system, or any agency (established under the Protection and Advocacy for Mentally Ill Individuals Act);

(g) Subject to the resident's right to deny or withdraw consent at any time, immediate family or other relatives of the resident; and

(h) Subject to reasonable restrictions and the resident's right to deny or withdraw consent at any time, others who are visiting with the consent of the resident.

(2) The nursing home must provide reasonable access to any resident by any entity or individual that provides health, social, legal, or other services to the resident, subject to the resident's right to deny or withdraw consent at any time.

(3) The nursing home must allow representatives of the state ombudsman, described in subsection (1)(d) of this section, to examine a resident's clinical records with the permission of the resident or the resident's surrogate decision maker, and consistent with state law. The ombudsman may also, under federal and state law, access resident's records when the resident is incapacitated and has no surrogate decision maker, and may access records over the objection of a surrogate decision maker if access is authorized by the state ombudsman pursuant to 42 ~~((C.F.R.))~~ U.S.C. §3058g(b) and RCW 43.190.065.

AMENDATORY SECTION (Amending WSR 00-06-028, filed 2/24/00, effective 3/26/00)

WAC 388-97-076 Prevention of abuse. (1) Each resident has the right to be free from verbal, sexual, physical and mental abuse, corporal punishment, and involuntary seclusion.

(2) The nursing home must develop and implement written policies and procedures that:

(a) Prohibit abandonment, abuse, and neglect of residents, financial exploitation, and misappropriation of resident property; and

(b) Require staff to report possible abuse, and other related incidents, as required by chapter 74.34 RCW, and for skilled nursing facilities and nursing facilities as required by 42 C.F.R. §483.13.

(3) The nursing home must not allow staff to:

(a) Engage in verbal, mental, sexual, or physical abuse;

(b) Use corporal punishment;

(c) Involuntarily seclude, abandon, neglect, or financially exploit residents; or

(d) Misappropriate resident property.

(4) ~~The nursing home must ((not employ individuals in positions that will provide them with the opportunity for unsupervised access with vulnerable residents, if the individuals have:~~

~~(a) Been found to have abused, neglected, exploited or abandoned a minor or vulnerable adult, by a court of law or by a licensing authority;~~

~~(b) A finding of abuse, neglect, exploitation or abandonment on any state registry, including the nursing assistant registry; or~~

~~(c) Been found to have abused, neglected, or misappropriated resident property by the department's resident protection program.~~

~~(5) The nursing home must~~) report any information it has about an action taken by a court of law against an employee to the department's complaint resolution unit and the appropriate department of health licensing authority, if that action would disqualify the individual from employment as described in RCW 43.43.842.

~~((6))~~ (5) The nursing home ~~((and mandatory reporters))~~ must ensure that all allegations involving abandonment, abuse, neglect, financial exploitation, or misappropriation of resident property, including injuries of unknown origin, are reported immediately to the department, other applicable officials, and the administrator of the facility. The nursing home must:

(a) Ensure that the reports are made through established procedures in accordance with state law including chapter 74.34 RCW, and guidelines developed by the department; and

(b) Not have any policy or procedure that interferes with the requirement of chapter 74.34 RCW that employees and other mandatory reporters file reports directly with the department, and also with law enforcement, if they suspect sexual or physical assault has occurred.

~~((7))~~ (6) The nursing home must:

(a) Have evidence that all alleged violations are thoroughly investigated;

(b) Prevent further potential abandonment, abuse, neglect, financial exploitation, or misappropriation of resident property while the investigation is in progress; and

(c) Report the results of all investigations to the administrator or his designated representative and to other officials in accordance with state law and established procedures (including the state survey and certification agency) within five working days of the incident, and if the alleged violation is verified appropriate action must be taken.

(7) When a mandated reporter has:

(a) Reasonable cause to believe that a vulnerable adult has been abandoned, abused, neglected, financially exploited, or a resident's property has been misappropriated, the individual mandatory reporter must immediately report the incident to the department's aging and adult services administration (AASA);

(b) Reason to suspect that a vulnerable adult has been sexually or physically assaulted, the individual mandatory reporter must immediately report the incident to law enforce-

ment and the department's aging and adult services administration (AASA).

(8) Under RCW 74.34.053, it is:

(a) A gross misdemeanor for a mandated reporter knowingly to fail to report as required under this section; and

(b) A misdemeanor for a person to intentionally, maliciously, or in bad faith make a false report of alleged abandonment, abuse, financial exploitation, or neglect of a vulnerable adult.

(9) The nursing home must not employ individuals who are disqualified under the requirements of WAC 388-97-203.

AMENDATORY SECTION (Amending WSR 00-06-028, filed 2/24/00, effective 3/26/00)

WAC 388-97-160 General administration. (1) The nursing home must be administered in a manner that enables it to use its resources effectively and efficiently to attain or maintain the highest practicable physical, mental, and psychosocial well being of each resident.

(2) The nursing home must:

(a) Be licensed under chapter 18.51 RCW;

(b) Operate and provide services in compliance with:

(i) All applicable federal, state and local laws, regulations, and codes;

(ii) Accepted professional standards and principles that apply to professionals providing services in nursing homes; and

(c) Have a governing body or designated individuals functioning as a governing body, that is legally responsible for establishing and implementing policies regarding the management and operation of the nursing home.

(3) The governing body of the nursing home must appoint the administrator who:

(a) Is licensed by the state;

(b) Is responsible for management of the ~~((facility))~~ nursing home;

(c) Keeps the licensee informed of all surveys and notices of noncompliance;

(d) Complies with all requirements of chapter 18.52 RCW, and all regulations ~~((put into effect under the))~~ adopted under that chapter;

(e) Is an onsite, full-time individual in active administrative charge at the premises of only one nursing home, a minimum of four days and an average of forty hours per week. Exception: Onsite, full-time administrator with small resident populations or in rural areas will be defined as an individual in active administrative charge at the premises of only one nursing home:

(i) A minimum of four days and an average of twenty hours per week at facilities with one to thirty beds; or

(ii) A minimum of four days and an average of thirty hours per week at facilities with thirty-one to forty-nine beds ~~((; and))~~.

(4) Nursing homes temporarily without an administrator may operate up to four continuous weeks under a responsible individual authorized to act as nursing home administrator designee.

(a) The designee must be qualified by experience to assume designated duties; and

(b) ~~The nursing home must have a written agreement with a ((Washington State licensed)) nursing home administrator, licensed in the state of Washington, who must be readily available to consult with the designee.~~

(c) The nursing home may request from the department's designated local aging and adult services administration (AASA) field office in writing, an extension of the four weeks by stating why an extension is needed, how a resident's safety or well-being is maintained during an extension and giving the estimated date by which a full time, qualified nursing home administrator will be on-site.

(5) The nursing home must employ on a full time, part time or consultant basis those professionals necessary to carry out the requirements of this chapter.

(6) If the nursing home does not employ a qualified professional individual to furnish a specific service to be provided by the nursing home, the nursing home must:

(a) Have that service furnished to residents by an individual or agency outside the nursing home under a written arrangement or agreement; and

(b) Ensure the arrangement or agreement referred to in (a) of this subsection specifies in writing that the nursing home assumes responsibility for:

(i) Obtaining services that meet professional standards and principles that apply to professionals providing services in nursing homes; and

(ii) The timeliness of services.

(7) The nursing home must:

(a) Report to the local law enforcement agency and the department any individual threatening bodily harm or causing a disturbance which threatens any individual's welfare and safety;

(b) Identify, investigate, and report incidents involving residents, according to department established nursing home guidelines; and

(c) Comply with "whistle blower" rules as defined in chapter 74.34 RCW. ~~((("Whistle blower" means a resident or employee of a nursing home, or any individual licensed under Title 18 RCW, who in good faith reports alleged abandonment, abuse, neglect, financial exploitation, or misappropriation of resident property to the department.))~~

(8) The department will:

(a) ~~((Discourage "whistle blower"))~~ Investigate complaints, made ((in bad faith)) to the department according to established protocols including protocols described in RCW 74.39A.060;

(b) Take action against a nursing home that is found to have used retaliatory treatment toward a resident or employee who has voiced grievances to nursing home staff or administration, or lodged a good faith complaint with the department; ~~((and))~~

(c) ~~((Investigate complaints, made to the department's toll free number, according to established protocols))~~ Report to local law enforcement:

(i) Any mandated reporter that knowingly fails to report in accordance with WAC 388-97-076; and

(ii) Any person that intentionally, maliciously or in bad faith makes a false report of alleged abandonment, abuse, financial exploitation, or neglect of a vulnerable adult.

(9) Refer also to WAC 388-97-204, Retaliation.

AMENDATORY SECTION (Amending WSR 00-06-028, filed 2/24/00, effective 3/26/00)

WAC 388-97-162 Required notification and reporting. ~~(1) ((The nursing home and mandatory reporters under chapter 74.34 RCW are responsible for the reporting and notification requirements found in this section and elsewhere in this chapter.~~

~~(2))~~ The nursing home ~~((and mandatory reporters, where applicable,))~~ must immediately notify the department's aging and adult services administration (AASA) of:

(a) Any allegations of resident abandonment, abuse, or neglect, including substantial injuries of an unknown source, financial exploitation and misappropriation of a resident's property;

(b) Any unusual event, having an actual or potential negative impact on residents, requiring the actual or potential implementation of the nursing home's disaster plan. These unusual events include but are not limited to those listed under WAC 388-97-185 (1)(a) through (k), and could include the evacuation of all or part of the residents to another area of the nursing home or to another address; and

(c) Circumstances which threaten the nursing home's ability to ensure continuation of services to residents.

(2) Mandated reporters must notify the department and law enforcement as directed in WAC 388-97-076, and according to department established nursing home guidelines.

(3) The nursing home must notify the department's AASA of:

(a) Physical plant changes, including but not limited to:

- (i) New construction;
- (ii) Proposed resident area or room use change;
- (iii) Resident room number changes; and
- (iv) Proposed bed banking;

(b) Mechanical failure of equipment important to the everyday functioning of the ~~((facility))~~ nursing home, which cannot be repaired within a reasonable time frame, such as an elevator; and

(c) An actual or proposed change of ownership (CHOW).

(4) The nursing home must notify, in writing, the department's AASA and each resident, of a loss of, or change in, the nursing home's administrator or director of nursing services at the time the loss or change occurs.

(5) The nursing home licensee must notify the ~~((department))~~ department's AASA in writing of any change in the name of the licensee, or of the nursing home, at the time the change occurs.

(6) If a licensee operates in a building it does not own, the licensee must immediately notify the department of the occurrence of any event of default under the terms of the lease, or if it receives verbal or written notice that the lease agreement will be terminated, or that the lease agreement will not be renewed.

(7) The nursing home must report any case or suspected case of a reportable disease to the appropriate department of health officer and must also notify the appropriate department(s) of other health and safety issues, according to state and local laws.

(8) The nursing home licensee must notify the department in writing of a nursing home's voluntary closure.

(a) The licensee must send this written notification sixty days before closure to the department's designated local aging and adult administration office and to all residents and resident representatives.

(b) Relocation of residents must be in accordance with WAC 388-97-595(2).

(9) The nursing home licensee must notify the department in writing of voluntary termination of its Medicare or Medicaid contract.

(a) The licensee must send this written notification sixty days before contract termination, to the department's designated local aging and adult services administration office and to all residents and resident representatives.

(b) If the contractor continues to provide nursing facility services, the contract termination will be subject to federal law prohibiting the discharge of residents who are residing in the facility on the day before the effective date of the contract termination.

AMENDATORY SECTION (Amending WSR 00-06-028, filed 2/24/00, effective 3/26/00)

WAC 388-97-180 Clinical records. (1) The nursing home must:

(a) Maintain clinical records on each resident in accordance with accepted professional standards and practices that are:

- (i) Complete;
- (ii) Accurately documented;
- (iii) Readily accessible; and
- (iv) Systematically organized.

(b) Safeguard clinical record information against alteration, loss, destruction, and unauthorized use; and

(c) Keep confidential all information contained in the resident's records, regardless of the form or storage method of the records, except when release is required by:

- (i) Transfer to another health care institution;
- (ii) Law;
- (iii) Third party payment contract; or
- (iv) The resident.

(2) The nursing home must ensure the clinical record of each resident includes at least the following:

(a) Resident identification and sociological data, including the name and address of the individual or individuals the resident designates as significant;

(b) Medical information required under WAC 388-97-125;

- (c) Physician's orders;
- (d) Assessments;
- (e) Plans of care;
- (f) Services provided;

(g) In the case of the Medicaid-certified nursing facility, records related to preadmission screening and resident review;

- (h) Progress notes;
- (i) Medications administered;
- (j) Consents, authorizations, releases;
- (k) Allergic responses;

- (l) Laboratory, X-ray, and other findings; and
- (m) Other records as appropriate.
- (3) The nursing home must:
 - (a) Designate an individual responsible for the record system who:

(i) Has appropriate training and experience in clinical record management; or

(ii) Receives consultation from a qualified clinical record practitioner, such as ~~((an))~~ a registered ~~((record))~~ health information administrator or ~~((accredited record))~~ registered health information technician.

(b) Make all records available to authorized representatives of the department for review and duplication as necessary; and

(c) Maintain the following:

(i) A master resident index having a reference for each resident including the health record number, if applicable; full name; date of birth; admission dates; and discharge dates; and

(ii) A chronological census register, including all admissions, discharge, deaths and transfers, and noting the receiving facility. The nursing home must ensure the register includes discharges for social leave and transfers to other treatment facilities in excess of twenty-four hours.

(4) The nursing home must ensure the clinical record of each resident:

(a) Is documented and authenticated accurately, promptly and legibly by individuals giving the order, making the observation, performing the examination, assessment, treatment or providing the care and services. "**Authenticated**" means the authorization of a written entry in a record by signature, including the first initial and last name and title, or a unique identifier allowing identification of the responsible individual; and:

(i) Documents from other health care facilities that are clearly identified as being authenticated at that facility will be considered authenticated at the receiving facility; and

(ii) The original or a durable, legible, direct copy of each document will be accepted.

(b) Contains appropriate information for a deceased resident including:

(i) The time and date of death;

(ii) Apparent cause of death;

(iii) Notification of the physician and appropriate resident representative; and

(iv) The disposition of the body and personal effects.

(5) In cases where the nursing home maintains records by computer rather than hard copy, the nursing home must:

(a) Have in place safeguards to prevent unauthorized access; and

(b) Provide for reconstruction of information.

(6) The nursing home licensee must:

(a) Retain health records for the time period required in RCW 18.51.300:

(i) For a period of no less than eight years following the most recent discharge of the resident; except

(ii) That the records of minors must be retained for no less than three years following the attainment of age eighteen

years, or ten years following their most recent discharge, whichever is longer.

(b) In the event of a change of ownership, provide for the orderly transfer of clinical records to the new licensee; and

(c) In the event a nursing home ceases operation, make arrangements prior to cessation, as approved by the department, for preservation of the clinical records. The nursing home licensee must provide a plan for preservation of clinical records to the department's designated local aging and adult administration (AASA) office no later than seven days after the date of notice of nursing home closure as required by WAC 388-97-162 (8) and (9) unless an alternate date has been approved by the department.

(d) Provide a resident access to all records pertaining to the resident as required under WAC 388-97-07005(2).

AMENDATORY SECTION (Amending WSR 00-06-028, filed 2/24/00, effective 3/26/00)

WAC 388-97-202 Criminal history disclosure and background inquiries. (1) ~~((Except as provided in this section, a nursing home must not employ any individual, directly or by contract, or accept as a volunteer or student, any individual who may have regularly scheduled unsupervised access to residents if the individual:~~

~~(a) Has been convicted of a "crime against children and other persons" as defined in RCW 43.43.830, unless the individual has been convicted of one of the five crimes listed below and the required number of years has passed between the most recent conviction and the date of the application for employment:~~

~~(i) Simple assault, assault in the fourth degree, or the same offense as it may hereafter be renamed, and three or more years have passed;~~

~~(ii) Prostitution, or the same offense as it may hereafter be renamed, and three or more years have passed;~~

~~(iii) Theft in the second degree, or the same offense as it may hereafter be renamed, and five or more years have passed;~~

~~(iv) Theft in the third degree, or the same offense as it may hereafter be renamed, and three or more years have passed; or~~

~~(v) Forgery, or the same offense as forgery may hereafter be renamed, and five or more years have passed.~~

~~(b) Has been convicted of crimes relating to financial exploitation as defined under RCW 43.43.830;~~

~~(c) Has been found, by a court of law, to have abused, neglected, exploited, or abandoned a minor or vulnerable adult in criminal, dependency or domestic relations proceeding. A "vulnerable adult" is defined in chapter 74.34 RCW;~~

~~(d) Was subject to an order of protection under chapter 74.34 RCW for abandonment, abuse, neglect, or financial exploitation of a vulnerable adult, or misappropriation of resident property; or~~

~~(e) Has been found to have neglected, exploited, or abandoned a minor or vulnerable adult by a disciplining authority, including the state department of health, or by the department's resident protection program.~~

~~(2) A nursing home may conditionally employ an individual pending a background inquiry provided the nursing~~

~~home requests the inquiry within seventy-two hours of the conditional employment.~~

~~(3))~~ A nursing home licensed under chapter 18.51 RCW must make a background inquiry request to one of the following:

- (a) The Washington state patrol;
- (b) The department;

(c) The most recent employer licensed under chapters 18.51, 18.20, and 70.128 RCW provided termination of that employment was within twelve months of the current employment application and provided the inquiry was completed by the department or the Washington state patrol within the two years of the current date of application; or

(d) A nurse pool agency licensed under chapter 18.52C RCW, or hereafter renamed, provided the background inquiry was completed by the Washington state patrol within two years before the current date of employment in the nursing home; and

(e) A nursing home may not rely on a criminal background inquiry from a former employer, including a nursing pool, if the nursing home knows or has reason to know that the ~~((applicant))~~ individual applying for the job has, or may have, a disqualifying conviction or finding.

~~((4))~~ (2) Nursing homes must:

(a) Request a background inquiry of any individual employed, directly or by agreement or contract, or accepted as a volunteer or student; and

(b) Notify appropriate licensing or certification agency of any individual resigning or terminated as a result of having a conviction record.

~~((5))~~ (3) Before a nursing home employs any individual, directly or by contract, or accepts any individual as a volunteer or student, a nursing home must:

(a) Inform the individual that the ~~((facility))~~ nursing home must make a background inquiry and require the individual to sign a disclosure statement, ~~((authorizing the inquiry; or))~~ under penalty or perjury and in accordance with RCW 43.43.834;

(b) Inform the individual that he or she may make a request for a copy of a completed background inquiry of this section; and

(c) Require the individual to sign a statement authorizing the nursing home, the department, and the Washington state patrol to make a background inquiry; and

(d) Verbally inform the individual of the background inquiry results within seventy-two hours of receipt.

~~((6))~~ (4) The nursing home must establish procedures ensuring that:

(a) The individual is verbally informed of the background inquiry results within seventy-two hours of receipt;

(b) All disclosure statements and background inquiry responses and all copies are maintained in a confidential and secure manner;

(c) Disclosure statements and background inquiry responses are used for employment purposes only;

(d) Disclosure statements and background inquiry responses are not disclosed to any individual except:

(i) The individual about whom the nursing home made the disclosure or background inquiry;

(ii) Authorized state employees including the department's licensure and certification staff, resident protection program staff and background inquiry unit staff;

(iii) Authorized federal employees including those from the Department of Health and Human Services, ~~((Health Care Financing Administration))~~ Centers for Medicare and Medicaid Services;

(iv) The Washington state patrol auditor; and

(v) Potential employers licensed under chapters 18.51, 18.20, and 70.128 RCW who are making a request as provided for under subsection ~~((3))~~ (1) of this section; and

(e) A record of findings be retained by the ~~((facility))~~ nursing home for twelve months beyond the date of employment termination.

(5) The nursing home must not employ individuals who are disqualified under the requirements of WAC 388-97-203.

NEW SECTION

WAC 388-97-203 Disqualification from nursing home employment. (1) The nursing home must not employ directly or by contract, or accept as a volunteer or student, any individual:

(a) Who has been found to have abused, neglected, exploited or abandoned a minor or vulnerable adult by a court of law, by a disciplining authority, including the state department of health, or by the department's resident protection program;

(b) Against whom a finding of abuse, neglect, exploitation, misappropriation of property or abandonment has been entered on any state registry, including the nursing assistant registry; or

(c) Who has been subject to an order of protection under chapter 74.34 RCW for abandonment, abuse, neglect, or financial exploitation of a vulnerable adult, or misappropriation of resident property.

(2) Except as provided in this section, the nursing home must not employ directly or by contract, or accept as a volunteer or student, any individual who may have unsupervised access to residents if the individual:

(a) Has been convicted of a "crime against children and other persons" as defined in RCW 43.43.830, unless the individual has been convicted of one of the five crimes listed below and the required number of years has passed between the most recent conviction and the date of the application for employment:

(i) Simple assault, assault in the fourth degree, or the same offense as it may hereafter be renamed, and three or more years have passed;

(ii) Prostitution, or the same offense as it may hereafter be renamed, and three or more years have passed;

(iii) Theft in the second degree, or the same offense as it may hereafter be renamed, and five or more years have passed;

(iv) Theft in the third degree, or the same offense as it may hereafter be renamed, and three or more years have passed; or

(v) Forgery, or the same offense as forgery may hereafter be renamed, and five or more years have passed.

(b) Has been convicted of crimes relating to financial exploitation as defined under RCW 43.43.830.

(3) The term "vulnerable adult" is defined in RCW 74.34.020; the term "unsupervised access" is defined in RCW 43.43.830.

NEW SECTION

WAC 388-97-204 Retaliation or discrimination prohibited. (1) The licensee or the nursing home must not discriminate or retaliate in any manner against a resident or employee in its nursing home who has initiated or participated in any action or proceeding authorized under nursing home licensing law. Examples of such participation include, but are not limited to the following:

(a) The resident, or someone acting on behalf of the resident, or the employee:

(i) Made a complaint, including a whistle blower complaint, to the department, the department of health, the long-term care ombudsman, attorney general's office, the courts or law enforcement;

(ii) Provided information to the department, the department of health, the long-term care ombudsman, attorney general's office, the courts or law enforcement; or

(iii) Testified in a proceeding related to the nursing home or its staff.

(2) For purposes of this chapter, "**retaliation**" or "**discrimination**" against a resident means an act including, but not limited to:

(a) Verbal or physical harassment or abuse;

(b) Any attempt to expel the resident from the facility;

(c) Nonmedically indicated social, dietary, or mobility restriction(s);

(d) Lessening of the level of care when not medically appropriate; or

(e) Nonvoluntary relocation within a nursing home without appropriate medical, psychosocial, or nursing justification;

(f) Neglect or negligent treatment;

(g) Withholding privileges;

(h) Monitoring resident's phone, mail or visits without resident's permission;

(i) Withholding or threatening to withhold food or treatment unless authorized by terminally ill resident or the resident's representative;

(j) Persistently delaying responses to resident's request for services of assistance; or

(k) Infringement on a resident's rights described in chapter 74.42 RCW, RCW 74.39A.060(7), WAC 388-97-051, and also, for Medicaid and Medicare certified nursing facilities, in federal laws and regulations.

(3) For purposes of this chapter, "**retaliation**" or "**discrimination**" against an employee means an act including, but not limited to:

(a) Harassment;

(b) Unwarranted firing;

(c) Unwarranted demotion;

(d) Unjustified disciplinary action;

(e) Denial of adequate staff to perform duties;

(f) Frequent staff changes;

(g) Frequent and undesirable office changes;

(h) Refusal to assign meaningful work;

(i) Unwarranted and unsubstantiated report of misconduct under Title 18 RCW;

(j) Unsubstantiated letters of reprimand;

(k) Unsubstantiated unsatisfactory performance evaluations;

(l) Denial of employment;

(m) A supervisor or superior encouraging coworkers to behave in a hostile manner toward the whistle blower; or

(n) Workplace reprisal or retaliatory action as defined in RCW 74.34.180 (3)(b).

(4) For purposes of this chapter, a "**whistle blower**" is defined in WAC 388-97-005.

(5) If, within one year of the complaint by or on behalf of a resident, the resident is involuntarily discharged from the nursing home, or is subjected to any type of discriminatory treatment, there will be a presumption that the action was in retaliation for the filing of the complaint. Under these circumstances, the nursing home will have the burden of establishing that the action was not retaliatory, in accordance with RCW 18.51.220 and 74.34.180(2).

AMENDATORY SECTION (Amending WSR 00-06-028, filed 2/24/00, effective 3/26/00)

WAC 388-97-205 Laundry services. (1) The nursing home must meet the requirements of WAC 388-97-347, and:

(a) Launder (~~facility~~) nursing home linens on the premises; or

(b) Contract with a laundry capable of meeting quality standards, infection control, and turn-around time requirements; and

(c) Make provision for laundering of residents' personal clothing.

(2) For residents' personal clothing, the nursing home:

(a) Must have a system in place to ensure that personal clothing is not damaged or lost during handling and laundering; and

(b) May use (~~department approved chemical disinfection~~) a chemical disinfectant in lieu of (~~the~~) hot water disinfection provided that the nursing home:

(i) Uses the product according to the manufacturer's instructions; and

(ii) Has readily available, current documentation from the manufacturer that supports the claim that the product is effective as a laundry disinfectant and such documentation is based on scientific studies or other rational data. "Disinfectant" means a germicide that inactivates virtually all recognized pathogenic microorganisms (but not necessarily all microbial forms, such as bacterial spores) on inanimate objects.

AMENDATORY SECTION (Amending WSR 00-06-028, filed 2/24/00, effective 3/26/00)

WAC 388-97-260 Pre-admission screening and resident review (PASRR) determination and appeal rights.

(1) The resident has the right to choose to remain in the nursing facility and receive specialized services if:

(a) He or she has continuously resided in a nursing facility since October 1, 1987; and

(b) The department determined, in 1990, that the resident required specialized services for a serious mental illness or developmental disability but did not require nursing facility services.

(2) In the event that residents chose to remain in the nursing facility as outlined in subsection (1) above, the department, or designee, will clarify the effect on eligibility for Medicaid services under the state plan if the resident chooses to leave the facility, including its effect on readmission to the facility.

(3) ~~((A nursing facility applicant or))~~ An individual applying for admission to a nursing facility or a nursing facility resident who has been adversely impacted by a PASRR determination may appeal the department's determination ~~((of))~~ that the individual is:

(a) Not in need of nursing facility care as defined under WAC ~~((388-97-022))~~ 388-71-0700;

(b) Not in need of specialized services as defined under WAC 388-97-251; or

(c) Need for specialized services as defined under WAC 388-97-251.

(4) The nursing facility must assist the ~~((applicant))~~ individual applying for admission or resident, as needed, in requesting a hearing to appeal the department's PASRR determination.

(5) If the department's PASRR determination requires that a resident be transferred or discharged, the department will:

(a) Provide the required notice of transfer or discharge to the resident, the resident's surrogate decision maker, and if appropriate, a family member or the resident's representative thirty days or more before the date of transfer or discharge;

(b) Attach a hearing request form to the transfer or discharge notice;

(c) Inform the resident, in writing in a language and manner the resident can understand, that:

(i) An appeal request may be made any time up to ninety days from the date the resident receives the notice of transfer or discharge;

(ii) Transfer or discharge will be suspended when an appeal request is received by the office of administrative hearings on or before the date of transfer or discharge set forth in the written transfer or discharge notice; and

(iii) The resident will be ineligible for Medicaid nursing facility payment:

(A) Thirty days after the receipt of written notice of transfer or discharge; or

(B) If the resident appeals under subsection (1)(a) of this section, thirty days after the final order is entered upholding the department's decision to transfer or discharge a resident.

(6) The department's home and community services may pay for the resident's nursing facility services after the time specified in subsection ~~((3))~~ (5)(c)(iii) of this section, if the department determines that a location appropriate to the resident's medical and other needs is not available.

(7) The department will:

(a) Send a copy of the transfer/discharge notice to the resident's attending physician, the nursing facility and, where appropriate, a family member or the resident's representative;

(b) Suspend transfer or discharge:

(i) If the office of administrative hearings receives an appeal on or before the date set for transfer or discharge or before the resident is actually transferred or discharged; and

(ii) Until the office of appeals makes a determination; and

(c) Provide assistance to the resident for relocation necessitated by the department's PASRR determination.

(8) Resident appeals of PASRR determinations will be in accordance with 42 C.F.R. §431 Subpart E, chapter ~~((388-08))~~ 388-02 WAC, and the procedures defined in this section. In the event of a conflict between a provision in this chapter and a provision in chapter ~~((388-08))~~ 388-02 WAC, the provision in this chapter will prevail.

AMENDATORY SECTION (Amending WSR 00-06-028, filed 2/24/00, effective 3/26/00)

WAC 388-97-285 Intermediate care facilities for the mentally retarded (ICF/MR). (1) ~~((A))~~ ICF/MR nursing facilities must meet the requirements of 42 C.F.R. §483(-) Subpart I and the requirements of this subchapter except that in an ICF/MR nursing facility:

(a) There must be at least one registered nurse or licensed practical nurse on duty eight hours per day, and additional licensed staff on any shift if indicated. WAC 388-97-115 (2)(a) and (3)(a) and (b) do not apply to ICF/MR nursing facilities; and

(b) A medical director is not required.

(2) Staff from the division of developmental disabilities will approve of social/therapeutic leave for individuals who reside in ICF/MR nursing facilities.

AMENDATORY SECTION (Amending WSR 00-06-028, filed 2/24/00, effective 3/26/00)

WAC 388-97-35040 Ambulation route on a dementia care unit in a new building or addition. The nursing home must ensure that the dementia care ~~((unit))~~ unit has a continuous ambulation route which may include outdoor ambulation areas and allows the resident to return to the resident's starting point without reversing direction.

AMENDATORY SECTION (Amending WSR 00-06-028, filed 2/24/00, effective 3/26/00)

WAC 388-97-565 Department review of nursing home license renewals. (1) All renewal license applications must be reviewed by the department under this chapter.

(2) The department will not begin review of an incomplete license renewal application.

(3) The ~~((proposed))~~ current licensee must respond to any department request for additional information within five working days.

(4) When the application is determined to be complete, the department will review:

(a) The information contained in the application;

(b) Actions against the license (i.e., revocation, suspension, refusal to renew, etc.);

(c) All criminal convictions, and relevant civil or administrative actions or findings including, but not limited to, findings under 42 C.F.R. §488.335, disciplinary findings, and findings of abuse, neglect, exploitation, or abandonment; and

(d) Other relevant information.

(5) The department will notify the current licensee of the results of the review.

AMENDATORY SECTION (Amending WSR 00-06-028, filed 2/24/00, effective 3/26/00)

WAC 388-97-570 Reasons for denial, suspension, modification, revocation of, or refusal to renew a nursing home license. (1) The department may deny, suspend, modify, revoke, or refuse to renew a nursing home license ~~((#))~~ when the department finds the proposed or current licensee, or any partner, officer, director, managing employee, ~~((#))~~ owner of five percent or more of the proposed or current licensee of the nursing home, owner of five percent or more of the assets of the nursing home, proposed or current administrator, or employee or individual providing nursing home care or services has:

(a) ~~((Not complied with all the requirements established by chapters 18.51, 74.42, or 74.46 RCW and rules adopted thereunder;))~~ Failed or refused to comply with the:

(i) Requirements established by chapters 18.51, 74.42, or 74.46 RCW and regulations adopted under these chapters; or

(ii) Medicaid requirements of Title XIX of the Social Security Act and Medicaid regulations.

(b) A history of significant noncompliance with federal or state regulations in providing nursing home care;

(c) No credit history or a poor credit history;

(d) Engaged in the illegal use of drugs or the excessive use of alcohol or been convicted of "crimes relating to drugs" as defined in RCW 43.43.830;

(e) Unlawfully operated a nursing home, or long term care facility as defined in RCW 70.129.010, without a license or under a revoked or suspended license;

(f) Previously held a license to operate a hospital or any facility for the care of children or vulnerable adults, and that license has been revoked, or suspended, or the licensee did not seek renewal of the license following written notification of the licensing agency's initiation of revocation or suspension of the license;

(g) Obtained or attempted to obtain a license by fraudulent means or misrepresentation;

(h) Permitted, aided, or abetted the commission of any illegal act on the nursing home premises;

(i) ~~((Failed to meet financial obligations as the obligations fall due in the normal course of business;))~~

~~((#))~~ Been convicted of a felony, other than a felony that is a "crime against children or other persons," or a "crime relating to financial exploitation" as defined in RCW 43.43.830, if the crime reasonably relates to the competency of the individual to own or operate a nursing home;

~~((k) Failed to provide any authorization, documentation, or information the department requires in order to verify information contained in the application; or~~

~~((l) Failed to))~~

~~((j) Failed to:~~

~~((i) Provide any authorization, documentation, or information the department requires in order to verify information contained in the application;~~

~~((ii) Meet financial obligations as the obligations fall due in the normal course of business;~~

~~((iii) Verify additional information the department determines relevant to the application;~~

~~((iv) Report abandonment, abuse, neglect or financial exploitation in violation of chapter 74.34 RCW; or in the case of a skilled nursing facility or nursing facilities, failure to report as required by 42 C.F.R. 483.13; or~~

~~((v) Pay a civil fine the department assesses under this chapter within ten days after assessment becomes final;~~

~~((k) Been certified pursuant to RCW 74.20A.320 as a person who is not in compliance with a child support order (license suspension only);~~

~~((l) Knowingly or with reason to know makes a false statement of a material fact in the application for a license or license renewal, in attached data, or in matters under department investigation;~~

~~((m) Refused to allow department representatives or agents to inspect required books, records, and files or portions of the nursing home premises;~~

~~((n) Willfully prevented, interfered with, or attempted to impede the work of authorized department representatives in the:~~

~~((i) Lawful enforcement of provisions under this chapter or chapters 18.51 or 74.42 RCW; or~~

~~((ii) Preservation of evidence of violations of provisions under this chapter or chapters 18.51 or 74.42 RCW.~~

~~((o) Retaliated against a resident or employee initiating or participating in proceedings specified under RCW 18.51.220; or~~

~~((p) Discriminated against Medicaid recipients as prohibited under RCW 74.42.055.~~

(2) In determining whether there is a history of significant noncompliance with federal or state regulations under subsection (1)(b), the department may, at a minimum, consider:

(a) Whether the violation resulted in a significant harm or a serious and immediate threat to the health, safety, or welfare of any resident;

(b) Whether the proposed or current licensee promptly investigated the circumstances surrounding any violation and took steps to correct and prevent a recurrence of a violation;

(c) The history of surveys and complaint investigation findings and any resulting enforcement actions;

(d) Repeated failure to comply with regulations;

(e) Inability to attain compliance with cited deficiencies within a reasonable period of time; and

(f) The number of violations relative to the number of facilities the proposed or current licensee, or any partner, officer, director, managing employee, employee or individual providing nursing home care or services has been affiliated within the past ten years, or owner of five percent or more of

the proposed or current licensee or of the assets of the nursing home ~~(, has been affiliated with in the past ten years).~~

(3) The department must deny, suspend, revoke, or refuse to renew a proposed or current licensee's nursing home license if the proposed or current licensee or any partner, officer, director, managing employee, owner of five percent or more of the proposed or current licensee of the nursing home or owner of five percent or more of the assets of the nursing home, proposed or current administrator, or employee or individual providing nursing home care or services has been:

(a) Convicted of a "crime against children or other persons" as defined under RCW 43.43.830;

(b) Convicted of a "crime relating to financial exploitation" as defined under RCW 43.43.830;

(c) Found by a court in a protection proceeding under chapter 74.34 RCW, or any comparable state or federal law, to have abandoned, abused, neglected or financially exploited a vulnerable adult;

(d) Found in any final decision issued by a disciplinary board to have sexually or physically abused or exploited any minor or an individual with a developmental disability or to have abused, neglected, abandoned, or financially exploited any vulnerable adult;

(e) Found in any dependency action to have sexually assaulted or exploited any minor or to have physically abused any minor;

(f) Found by a court in a domestic relations proceeding under Title 26 RCW, or any comparable state or federal law, to have sexually abused or exploited any minor or to have physically abused any minor; or

(g) Found to have abused, neglected, abandoned or financially exploited or mistreated residents or misappropriated their property, and that finding has been entered on a nursing assistant registry.

AMENDATORY SECTION (Amending WSR 00-06-028, filed 2/24/00, effective 3/26/00)

WAC 388-97-575 Appeal of the department's licensing decision. ~~((1))~~ A proposed or current licensee contesting a department licensing decision must file a written request for an ~~((adjudicative proceeding))~~ administrative hearing within twenty days of receipt of the decision.

~~((2))~~ Adjudicative proceedings will be governed by the Administrative Procedure Act (chapter 34.05 RCW), RCW 48.51.065, 43.20A.205, WAC 388-98-750, and chapters 388-08 and 388-97 WAC. If any provision in this chapter conflicts with chapter 388-08 WAC, the provision of this chapter will govern. The appeals process and requirements are set forth in WAC 388-97-625.

AMENDATORY SECTION (Amending WSR 00-06-028, filed 2/24/00, effective 3/26/00)

WAC 388-97-580 Management agreements. (1) ~~((If the responsibilities given to the manager by the management agreement are so extensive that the licensee is relieved of responsibility for the daily operations of the facility, then the department must determine that a change of ownership has~~

~~occurred))~~ The licensee is responsible for the daily operations of the nursing home.

(2) As used in this section:

(a) "Management agreement," means a written, executed, agreement between the licensee and another individual or entity regarding the provision of certain services in a nursing home; and

(b) "Manager" refers to the individual or entity providing services under a management agreement.

(3) The licensee may not give the manager responsibilities that are so extensive that the licensee is relieved of responsibility for the daily operations and provisions of services of the facility. If the licensee does so, then the department must determine that a change of ownership has occurred.

(4) The proposed licensee or the current licensee must notify the residents and their representatives sixty days before entering into a management agreement.

~~((3))~~ (5) The department must receive a written management agreement, including an organizational chart showing the relationship between the proposed or current licensee, management company, and all related organizations:

(a) Sixty days before:

(i) ~~The proposed change of ownership date ((as part of));~~

(ii) ~~The initial ((license application or any change of ownership));~~ licenseure date; or

(iii) ~~The effective date of the management agreement; or~~
(b) ~~((Sixty days before the effective date when submitted by the current licensee; or~~

~~((e)))~~ Thirty days before the effective date of any amendment to an existing management agreement.

~~((4))~~ (6) Management agreements, at minimum must:

(a) Create a principal/agent relationship between the licensee and the manager;

(b) Describe the responsibilities of the licensee and manager, including items, services, and activities to be provided;

(c) Require the licensee's governing body, board of directors, or similar authority to appoint the facility administrator;

(d) Provide for maintenance and retention of all records as applicable according to rules and regulations;

(e) Allow unlimited access by the department to documentation and records according to applicable laws or regulations;

(f) Require the licensee to participate in monthly oversight meetings and quarterly on-site visits to the facility;

(g) Require the manager to immediately send copies of surveys and notices of noncompliance to the licensee;

(h) State that the licensee is responsible for ensuring all licenses, certifications, and accreditations are obtained and maintained;

(i) State that the manager and licensee will review the management agreement annually and notify the department of changes according to applicable ~~((rules and))~~ regulations; ~~((and))~~

(j) Acknowledge that the licensee is the party responsible for meeting state and federal licensing and certification requirements~~((~~

~~((5)))~~;

(k) Require the licensee to maintain ultimate responsibility over personnel issues relating to the operation of the nursing home and care of the residents, including but not limited to, staffing plans, orientation, and training;

(l) Require that, even if day-to-day management of the trust funds are delegated, the licensee:

(i) Retains all fiduciary and custodial responsibility for funds that have been deposited with the nursing home by the resident; and

(ii) Is directly accountable to the residents for such funds.

(m) Provide that if any responsibilities for the day-to-day management of the resident trust fund are delegated to the manager, then the manager must:

(i) Provide the licensee with a monthly accounting of the resident funds; and

(ii) Meet all legal requirements related to holding, and accounting for, resident trust funds; and

(n) State that the manager will not represent itself or give the appearance it is the licensee.

(7) Upon receipt of a proposed management agreement, the department may require:

(a) The licensee or manager to provide additional information or clarification;

(b) Any changes necessary to:

(i) Bring the management agreement into compliance with this section; and

(ii) Ensure that the licensee has not been relieved of the responsibility for the daily operations of the facility; and

(c) More frequent contact between the licensee and manager under subsection ~~((4))~~(6)(f).

~~(((6) The department may monitor the licensee's and manager's compliance with the terms of the management agreement and))~~

(8) The licensee and manager must act in accordance with the terms of the management agreements. If the department determines that they are not, then the department may take ~~((any))~~ action deemed appropriate.

AMENDATORY SECTION (Amending WSR 00-06-028, filed 2/24/00, effective 3/26/00)

WAC 388-97-585 Change of ownership. (1) A change of ownership occurs when there is a substitution, elimination, or withdrawal of the ~~((operator or operating entity responsible for the daily operational decisions of the nursing home,))~~ licensee or a substitution of control of ~~((such operating entity))~~ the licensee. **"Control,"** as used in this section, means the possession, directly or indirectly, of the power to direct the management, operation, and policies of the licensee, whether through ownership, voting control, by agreement, by contract or otherwise. Events which constitute a change of ownership include, but are not limited to, the following:

(a) The form of legal organization of the licensee is changed (e.g., a sole proprietor forms a partnership or corporation);

(b) The licensee transfers ownership of the nursing home business enterprise to another party regardless of whether

ownership of some or all of the real property and/or personal property assets of the facility is also transferred;

(c) Dissolution or consolidation of the entity ~~((or merger if the licensee does not survive the merger));~~

(d) Merger unless the licensee survives the merger and there is not a change in control of the licensee;

(e) If, during any continuous twenty-four month period, fifty percent or more of the entity is transferred, whether by a single transaction or multiple transactions, to:

(i) A different party (e.g., new or former shareholders); or

(ii) An individual or entity that had less than a five percent ownership interest in the nursing home at the time of the first transaction; or

~~(((e)))~~ (f) Any other event or combination of events that the department determines results in a:

(i) Substitution, elimination, or withdrawal of the licensee; or

(ii) Substitution of control of the ~~((operator or the operating entity))~~ licensee responsible for the daily operational decisions of the nursing home.

(2) Ownership does not change when the following, without more, occur:

(a) A party contracts with the licensee to manage the nursing home enterprise ~~((as the licensee's agent (i.e., as provided in))~~ in accordance with the requirements of WAC 388-97-580(3)); or

(b) The real property or personal property assets of the nursing home are sold or leased, or a lease of the real property or personal property assets is terminated, as long as there is not a substitution or substitution of control of the ~~((operator or operating entity))~~ licensee.

(3) When a change of ownership is contemplated, the current licensee must notify the department and all residents and their representatives at least sixty days prior to the proposed date of transfer. The notice must be in writing and contain the following information as specified in RCW 18.51.530:

(a) Name of the ~~((current licensee and))~~ proposed licensee;

(b) Name ~~((and address of the nursing home being transferred; and~~

~~((date of proposed transfer))~~ of the managing entity;

(c) Names, addresses, and telephone numbers of department personnel to whom comments regarding the change may be directed;

(d) Names of all officers and the registered agent in the state of Washington if proposed licensee is a corporation; and

(e) Names of all general partners if proposed licensee is a partnership.

(4) The proposed licensee must comply with license application requirements. The operation or ownership of a nursing home must not be transferred until the proposed licensee has been issued a license to operate the nursing home.

AMENDATORY SECTION (Amending WSR 00-06-028, filed 2/24/00, effective 3/26/00)

WAC 388-97-595 Relocation of residents. (1) In the event of license revocation or suspension, decertification, or other emergency closures the department must:

- (a) Notify residents and, when appropriate, resident representatives of the action; ~~((and))~~
- (b) Assist with residents' relocation and specify possible alternative living choices and locations; and
- (c) The nursing home will assist the residents to the extent it is directed to do so by the department.

(2) When a resident's relocation occurs due to a nursing home's voluntary closure, or voluntary termination of its Medicare ~~((and))~~ or Medicaid contract or both, the nursing home must:

- (a) ~~((The nursing home must:

 - (i) Send written notification, sixty days before closure or contract termination, to the department's designated local office and to all residents and resident representatives; and
 - (ii) Notify the department and all residents and resident representatives in accordance with WAC 388-97-162; and
))~~
 - (b) Provide appropriate discharge planning and coordination for all residents including a plan to the department for safe and orderly transfer or discharge of residents from the nursing home.
- ~~((b))~~ (3) The department may provide residents assistance with relocation.

SUBCHAPTER IV NURSING HOME LICENSURE PROGRAM ADMINISTRATION

NEW SECTION

WAC 388-97-605 Inspections and deficiency citation report. (1) The department may inspect nursing homes at any time in order to determine compliance with the requirements of chapters 18.51 or 74.42 RCW and this chapter. Types of state inspections in nursing homes include pre-occupancy, licensing, revisit, and complaint investigation. In the case of a Medicaid or Medicare contractor, or both, the department may also inspect Medicare and Medicaid certified nursing homes to determine compliance with the requirements of Title XVIII and/or XIX of the Social Security Act and federal Medicare and Medicaid regulations.

(2) The department will provide to the nursing home written documentation (notice) of the nursing home's deficiency(ies), the requirement that the deficiency(ies) violates, and the reasons for the determination of noncompliance with the requirements (RCW 18.51.091).

(3) The department may revisit the nursing home to confirm that corrections of deficiencies has been made. Revisits will be made:

- (a) In accordance with RCW 74.39A.060 (5)(e);
- (b) In the case of ~~((an))~~ a Medicare or Medicaid contractor, or both, in accordance with the requirements of Title XVIII or XIX, or both of the Social Security Act and federal Medicare and Medicaid regulations; and
- (c) At the department's discretion.

(4) The licensee or nursing home must:

- (a) Ensure that department staff have access to the nursing home residents, staff and all resident records; and
- (b) Not willfully interfere or fail to cooperate with department staff in the performance of official duties. Examples of willful interference or failure to cooperate include, but are not limited to, not allowing department staff to talk to residents or staff in private or not allowing department staff access to resident records.

NEW SECTION

WAC 388-97-610 Plan of correction. (1) The licensee or nursing home must, within ten calendar days of notification of the cited deficiencies prepare, sign, date and provide to the department a detailed written plan of correction. Such plan of correction will provide notification to the department of the date by which the nursing home will complete the correction of cited deficiencies. The plan of correction must be completed regardless of whether the licensee requests an informal department review in accordance in WAC 388-97-620.

(2) A plan of correction is not required for deficiencies at a severity level 1/isolated scope as described in WAC 388-97-640, unless specifically requested by the department.

(3) In the case of actual or imminent threat to resident health or safety/immediate jeopardy (severity level 4 as described in WAC 388-97-640), the department may require the licensee or nursing home to submit a document alleging that the imminent threat has been removed within a time frame specified by the department. The document must specify the steps the nursing home has taken or will take to correct the imminent harm. An allegation that the imminent harm has been removed does not substitute for the plan of correction as required by subsection (1) of this section but it will become a part of the completed plan of correction.

NEW SECTION

WAC 388-97-615 Acceptable and unacceptable plans of correction. (1) A plan of correction must:

- (a) Address how corrective action will be accomplished for those residents found to have been affected by the deficient practice;
 - (b) Address how the nursing home will identify other residents having the potential to be affected by the same deficient practice;
 - (c) Address what measures will be put into place or systemic changes made to ensure that the deficient practice will not recur;
 - (d) Indicate how the nursing home plans to monitor its performance to make sure that solutions are sustained, including how the plan of correction will be integrated into the nursing home's quality assurance system;
 - (e) Give the title of the person who is responsible for assuring lasting correction; and
 - (f) Give the date by which the correction will be made.
- (2) The department will review the nursing home's plan of correction to determine whether it is acceptable.

(3) When deficiencies involve nursing home alterations, physical plant plan development, construction review, or other circumstances where extended time to complete correction may be required, the department's designated local aging and adult services administration (AASA) field office or other department designee may accept a plan of correction as evidence of substantial compliance under the following circumstances:

(a) The plan of correction must include the steps that the nursing home needs to take, the time schedule for completion of the steps, and concrete evidence that the plan will be carried out as scheduled; and

(b) The nursing home must submit progress reports and/or updated plans to the department in accordance with a schedule specified by department.

(c) The department's acceptance of a plan of correction is solely at the department's discretion and does not rule out the imposition of optional remedies.

NEW SECTION

WAC 388-97-620 Informal department review. (1) For Medicare or Medicaid certified nursing homes, the informal department review process described in this section is the only opportunity for the nursing home to dispute the federal deficiency citation report, unless a federal sanction is imposed.

(2) The nursing home licensee has the right to an informal department review of disputed state or federal citations, or both.

(3) A licensee must make a written request for an informal department review within ten calendar days of receipt of the department's written deficiency citation(s) report. The request must be directed to the department's designated local aging and adult services administration (AASA) office and must identify the deficiencies that are being disputed.

(4) At the informal department review, the licensee or nursing home may provide documentation and verbal explanations related to the disputed federal or state deficiencies, or both.

(5) When modifications or deletions are made to the disputed federal or state deficiency citations, or both, the licensee or nursing home must modify or delete the relevant portions of the plan of correction within five days of receipt of the modified or deleted deficiency(ies). The licensee or nursing home may request from the department a clean copy of the revised deficiency citation report.

(6) If the licensee or nursing home is unwilling to provide the modified plan of correction, the department may impose a per day civil fine for failure to return the modified deficiency citation report to the department in accordance with this subsection.

NEW SECTION

WAC 388-97-625 Notice and appeal rights. (1) The notification and hearing rights in this section apply to any appealable action taken by the department under chapters 18.51, 74.42 and 74.39A RCW. Notification and appeals

requirements for resident protection program findings are described in WAC 388-97-077.

(2) The following actions may be appealed:

(a) Imposition of a penalty under RCW 18.51.060 or 74.42.580;

(b) An action ~~((against the nursing home, or))~~ by the department such as a denial of a license under RCW 18.51.054, a license suspension under RCW 18.51.067 or a condition on a license under RCW 74.39A.050; or

(c) Deficiencies cited on the state survey report.

~~(3) ((Deficiencies cited on the federal survey report may not be appealed.~~

~~(4))~~ (4) The appeal process will be governed by the administrative procedure act (chapter 34.05 RCW), RCW 18.51.-065 and 74.42.580, chapter 388-02 WAC and this chapter. If any provision in this chapter conflicts with chapter 388-02 WAC, the provision of this chapter will govern.

~~((5))~~ (4) The purpose of an administrative hearing will be to review actions taken by the department under chapters 18.51, 74.42 or 74.39A RCW, and under this chapter.

~~((6))~~ (5) The applicant, licensee or nursing home must file a request for an administrative hearing with the office of administrative hearings within twenty days of receipt of written notification of the department's action as defined in subsection (2) of this section. Further information about administrative hearings is available in chapter 388-02 WAC and at the office of administrative hearing (OAH) website: www.oah.wa.gov.

~~((7))~~ (6) Orders of the department imposing a stop placement, license suspension, emergency closure emergency transfer of residents, temporary management or conditions on a license are effective immediately upon verbal or written notice and must remain in effect until they are rescinded by the department or through the state administrative appeals process.

(7) Deficiencies cited on the federal survey report may not be appealed. If a federal remedy is imposed, the Centers for Medicare and Medicaid Services will notify the nursing facility of appeal rights under the federal administrative appeals process.

Reviser's note: The unnecessary underscoring and deletion marks in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 388-97-630 Remedies. Mandatory Remedies

(1) In accordance with RCW 18.51.060 (5)(a), the department must impose a stop placement order when the department determines that the nursing home is not in substantial compliance with applicable laws or regulations and the cited deficiency(ies):

(a) Jeopardize the health and safety of the residents; or

(b) Seriously limit the nursing home's capacity to provide adequate care.

(2) When required by RCW 18.51.060(3), the department must deny payment to a nursing home that is certified to provide Medicaid services for any Medicaid-eligible individual admitted to the nursing home. Nursing homes that are certified to provide Medicare services or both Medicare and

Medicaid services may be subject to a federal denial of payment for new admissions, in accordance with federal law.

(3) The department must deny, suspend, revoke or refuse to renew a proposed or current licensee's nursing home license in accordance with WAC 388-97-570(3).

Optional Remedies

(4) When the department determines that a licensee has failed or refused to comply with the requirements under chapter 18.51, 74.39A or 74.42 RCW, or this chapter; or a Medicaid contractor has failed or refused to comply with Medicaid requirements of Title XIX of the Social Security Act or Medicaid regulations, the department may impose any or all of the following optional remedies:

- (a) Stop placement;
- (b) Immediate closure of a nursing home, emergency transfer of residents or both;
- (c) Civil fines;
- (d) Appoint temporary management;
- (e) Petition the court for appointment of a receiver in accordance with RCW 18.51.410;
- (f) License denial, revocation, suspension or non-renewal;
- (g) Denial of payment for new Medicaid admissions;
- (h) Termination of the Medicaid provider agreement (contract);
- (i) Department on-site monitoring as defined under WAC 388-97-005; and
- (j) Reasonable conditions on a license as authorized by chapter 74.39A RCW. Examples of conditions on a license include but are not limited to training related to the deficiency(ies); consultation in order to write an acceptable plan of correction; demonstration of ability to meet financial obligations necessary to continue operation.

NEW SECTION

WAC 388-97-635 Criteria for imposing optional remedies. (1) The criteria set forth in this section implement the requirements under RCW 18.51.060(8). The criteria do not replace the standards for imposition of mandatory remedies under RCW 18.51.060 (3) and (5), or for the imposition of mandatory remedies in accordance with WAC 388-97-630 (1), (2) and (3).

(2) The department must consider the imposition of one or more optional remedy(ies) when the nursing home has:

- (a) A history of being unable to sustain compliance;
- (b) One or more deficiencies on one inspection at severity level 2 or higher as described in WAC 388-97-640;
- (c) Been unable to provide an acceptable plan of correction after receiving assistance from the department about necessary revisions;
- (d) One or more deficiencies cited under general administration and/or nursing services;
- (e) One or more deficiencies related to retaliation against a resident or an employee for whistle blower activity under RCW 18.51.220, 74.34.180 or 74.39A.060 and WAC 388-97-203;
- (f) One or more deficiencies related to discrimination against a Medicare or Medicaid client under RCW 74.42.055,

and Titles XVIII and XIX of the Social Security Act and Medicare and Medicaid regulations; or

(g) Willfully interfered with the performance of official duties by a long-term care ombudsman.

(3) The department, in its sole discretion, may consider other relevant factors when determining what optional remedy or remedies to impose in particular circumstances.

(4) When the department imposes an optional remedy or remedies, the department will select more severe penalties for nursing homes that have deficiency(ies) that are:

- (a) Uncorrected upon revisit;
- (b) Recurring (repeated);
- (c) Pervasive; or
- (d) Present a threat to the health, safety, or welfare of the residents.

(5) The department will consider the severity and scope of cited deficiencies in accordance with WAC 388-97-640 when selecting optional remedy(ies). Such consideration will not limit the department's discretion to impose a remedy for a deficiency at a low level severity and scope.

NEW SECTION

WAC 388-97-640 Severity and scope of deficiencies.

(1) "Severity of a deficiency" means the seriousness of the deficiency. Factors the department will consider when determining the severity of a deficiency may include, but are not limited to:

- (a) Whether harm to the resident(~~(, not limited to but including resident's rights,)~~) has occurred, or could occur, including but not limited to a violation of resident's rights;
- (b) The impact of the actual or potential harm on the resident; and
- (c) The degree to which the nursing home failed to meet the resident's highest practicable physical, mental, and psychosocial well being as defined in WAC 388-97-005.

(2) Severity levels

(a) Severity level 4—Imminent harm or immediate jeopardy

Level 4 means that a resident(s)' health or safety is imminently threatened or immediately jeopardized as a result of deficient nursing home practice. This level includes actual harm or potential harm, or both, to resident(s)' health or safety that has had or could have a severe negative outcome or critical impact on resident's well being, including death or severe injury. Severity Level 4 requires immediate corrective action to protect the health and safety of resident(s).

(b) Severity level 3—Actual harm

Level 3 means that actual harm has occurred to resident(s) as the result of deficient nursing home practice.

- (i) "Serious harm" is harm that results in a negative outcome that significantly compromises the resident(s)' ability to maintain and/or reach the highest practicable physical, mental and psychosocial well being. Serious harm does not constitute imminent danger/immediate jeopardy (Severity Level 4).

(ii) **"Moderate harm"** is harm that results in a negative outcome that more than slightly but less than significantly compromises the resident(s)' ability to maintain and/or reach the highest practicable physical, mental and psychosocial well being.

(iii) **"Minimal harm"** is harm that results in a negative outcome that to a small degree compromises the resident(s)' ability to maintain and/or reach the highest practicable physical, mental well being.

(c) Severity level 2—Potential for harm

Level 2, **"potential for harm"** means that if the deficient nursing home practice is not corrected, resident(s) may suffer actual harm.

(d) Severity level 1—No harm or minimal impact

Level 1 means a deficient nursing home practice that does not compromise the resident(s)' ability to maintain or reach, or both, the highest practicable physical, mental and psychosocial well being. Deficiencies at level 1 are those that have no direct or potential for no more than minimal impact on the resident. Examples include certain structure deficiencies, certain physical environment deficiencies and process deficiencies.

(3) **"Scope of a deficiency"** means the frequency, incidence, or extent of the occurrence of the deficiency.

(4) Scope categories

(a) **"Isolated or limited scope"** means a relatively few number of residents have been affected or have the potential to be affected, by the deficient nursing home practice.

(b) **"Moderate or pattern scope"** scope means more than an isolated and less than a widespread number of residents have been affected, or have the potential to be affected by the deficient nursing home practice.

(c) **"Widespread"** or **"systemic scope"** means most or all of the residents are affected or have the potential to be affected, by the deficient nursing home practice.

(5) Determination of scope will be made by the department in its sole discretion. Factors the department will consider may include:

- (a) Size of the nursing home;
- (b) Size of the sample;
- (c) Number and location of affected residents;
- (d) Whether the deficiency applies to all or a subset of the residents;
- (e) Other factors relevant to the particular circumstances.

Reviser's note: The unnecessary underscoring and deletion marks in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 388-97-645 Separate deficiencies—Separate remedies. (1) Each deficiency cited by the department for noncompliance with a statute or regulation is a separate deficiency subject to the assessment of a separate remedy.

(2) Each day upon which the same deficiency occurs is a separate deficiency subject to the assessment of a separate remedy.

NEW SECTION

WAC 388-97-650 Stop placement. (1) The department must impose a stop placement order when required by RCW 18.51.060(5) and WAC 388-97-650 and may impose a stop placement order as an optional remedy in accordance with WAC 388-97-635. The department's stop placement order becomes effective upon verbal or written notice.

(2) The nursing home has the right to an informal department review to refute the federal or state deficiencies, or both, cited as the basis for the stop placement and must request such review in accordance with WAC 388-97-620(3).

(3) The department will not delay or suspend a stop placement order because the nursing home requests an administrative hearing or informal department review.

(4) The stop placement order must remain in effect until:

- (a) The department terminates the stop placement order; or
- (b) The stop placement order is terminated by a final agency order following appeal conducted in accordance with chapter 34.05 RCW.

(5) The department must terminate the stop placement when:

(a) The nursing home states in writing that the deficiencies necessitating the stop placement action have been corrected; and

(b) Within fifteen working days of the nursing home's notification, department staff confirm by on-site revisit of the nursing home that:

- (i) The deficiencies that necessitated the stop placement action have been corrected; and
- (ii) The nursing home exhibits the capacity to maintain adequate care and services and correction of deficiencies.

(6) After lifting the stop placement, the department may continue to perform on site monitoring to verify that the nursing home has maintained correction of deficiencies.

(7) While a stop placement order is in effect, the department may approve a readmission to the nursing home from the hospital in accordance with RCW 18.51.060 (5)(b) and department guidelines for readmission decisions.

NEW SECTION

WAC 388-97-655 Amount of civil fine. (1) Except as otherwise provided in statute, the range for a:

- (a) Per day civil fine is fifty dollars to three thousand dollars; and
- (b) Per instance civil fine is one thousand to three thousand dollars.

(2) In the event of continued noncompliance, nothing in this section must prevent the department from increasing a civil fine up to the maximum amount allowed by law.

NEW SECTION

WAC 388-97-660 Civil fine accrual and due dates and interest. (1) Accrual of a per day civil fine begins on the first date the department verifies that the nursing home has or had a specific deficiency. Accrual of the per day civil fine will end on the date the department determines the nursing home corrected the deficiency.

(2) A per instance fine may be assessed for a deficiency, regardless of whether or not the deficiency had been corrected by the time the department first identified it.

(3) Civil fine(s) are due twenty days after the nursing home is notified of the civil fine(s) if the nursing home does not request a hearing.

(4) If the nursing home requests a hearing, the civil fine(s) including interest, if any, is due twenty days after:

(a) A hearing decision ordering payment of the fine(s) becomes final in accordance with chapter 388-02 WAC;

(b) The appeal is withdrawn;

(c) A settlement agreement and order of dismissal is entered, unless otherwise specified in the agreement; or

(d) An order of dismissal is entered.

(5) Interest on the civil fine(s) begins to accrue at a rate of one percent per month, thirty days after the nursing home is notified of the fine, unless a settlement agreement includes other provisions for payment of interest. If the amount of the civil fine is reduced following an appeal, interest on the reduced civil fine(s) accrues from thirty days after the nursing home was notified of the original civil fine(s).

(6) When a nursing home fails to pay a civil fine when due under this chapter, the department may:

(a) Withhold an amount equal to the fine plus interest, if any, from the nursing home's Medicaid payment;

(b) Impose an additional fine; or

(c) Suspend the nursing home license under WAC 388-97-570(1). Such license suspension must continue until the fine is paid.

NEW SECTION

WAC 388-97-665 Civil penalty fund. (1) The department must deposit civil penalties collected under chapter 18.51 or 74.42 RCW into a special fund administered by the department to be applied to the protection of the health or property of residents of nursing homes found to be deficient.

(2) The funds must be administered by the department according to department procedures. Uses of the fund include, but are not limited to:

(a) Payment for the costs of relocation of residents to other facilities;

(b) Payment to maintain operation of a nursing home pending correction of deficiencies or closure; and

(c) Reimbursement of residents for personal funds or property lost when the resident's personal funds or property cannot be recovered from the nursing home or third party insurer.

NEW SECTION

WAC 388-97-670 Temporary management. (1) When the department appoints a temporary manager, the department must order the licensee to:

(a) Cease operating the nursing home; and

(b) Immediately turn over to the temporary manager possession and control of the nursing home including, but not limited to, all patient care records, financial records, and other records necessary for continued operation of the nursing home while temporary management is in effect.

(2) The temporary manager will have authority to temporarily relocate some or all residents if the:

(a) Temporary manager determines the resident's health, security, or welfare is jeopardized; and

(b) Department concurs with the temporary manager's determination that relocation is necessary.

(3) The department's authority to order temporary management is discretionary in all cases.

NEW SECTION

WAC 388-97-675 Receivership. (1) Receivership is authorized under RCW 18.51.400 through 520 and the following regulations.

(2) After receivership is established, the department may recommend to the court that all residents be relocated and the nursing home closed when:

(a) Problems exist in the physical condition of the premises which cannot be corrected in an economically prudent manner; or

(b) The department determines the former licensee or owner:

(i) Is unwilling or unable to manage the nursing home in a manner ensuring residents' health, safety, and welfare; and

(ii) Has not entered into an enforceable agreement to sell the nursing home within three months of the court's decision to grant receivership.

NEW SECTION

WAC 388-97-680 Temporary managers and receivers—Application. (1) The department may recruit individuals, partnerships, corporations and other entities interested in serving as a temporary manager or receiver of a nursing home.

(2) Individuals, partnerships, corporations, or other entities interested in being appointed as a temporary manager or receiver must complete and submit to the department the required application on department forms.

(3) Individuals, partnerships, corporations, or other entities with experience in providing long-term health care and a history of satisfactory nursing home operation may submit an application to the department at any time. Applicants will be subject to the criteria established for licensees found in WAC 388-97-570, except the department may waive the requirement that it have at least sixty days to review the application.

(4) The department must not appoint or recommend the appointment of a person (including partnership, corporation

or other entity) to be a temporary manager or receiver if that person:

- (a) Is the licensee, administrator, or partner, officer, director, managing employee, or owner of five percent or more of the licensee of the nursing home subject to temporary management or receivership;
- (b) Is affiliated with the nursing home subject to temporary management or receivership; or
- (c) Has owned or operated a nursing home ordered into temporary management or receivership in any state.

NEW SECTION

WAC 388-97-685 Temporary managers and receivers—Considerations before appointment. (1) The department's authority to appoint a temporary manager or to recommend appointment of a specific individual or entity to act as receiver is discretionary in all cases.

(2) The department, in appointing a temporary manager or recommending appointment of a receiver, may consider one or more of the following factors:

- (a) Potential temporary manager's or receiver's willingness to serve as a temporary manager or receiver for the nursing home in question;
- (b) Amount and quality of the potential temporary manager's or receiver's experience in long-term care;
- (c) Quality of care, as determined by prior survey reports, provided under the potential temporary manager's or the potential receiver's supervision, management or operation;
- (d) Potential temporary manager's or receiver's prior performance as a temporary manager or receiver;
- (e) How soon the potential temporary manager or receiver is available to act as a temporary manager or receiver;
- (f) Potential temporary manager's or receiver's familiarity and past compliance with Washington state and federal regulations applicable to nursing homes.

NEW SECTION

WAC 388-97-690 Duties and powers of temporary manager and receiver. (1) The temporary manager or receiver must protect the health, security and welfare of the residents for the duration of the temporary management or receivership. The temporary manager or receiver must perform all acts reasonably necessary to ensure residents' needs are met. Such acts may include, but are not limited to:

- (a) For receivers, the powers in RCW 18.51.490;
- (b) Correcting cited deficiencies;
- (c) Hiring, directing, and managing all consultants and employees and discharging them for just cause, discharging the administrator of the nursing home, recognizing collective bargaining agreement, and settling labor disputes;
- (d) Receiving and expending in a prudent and business-like manner all current revenues of the home provided priority will be given to debts and expenditures directly related to providing care and meeting residents' needs;
- (e) Making necessary purchases, repairs, and replacements, provided such expenditures in excess of five thousand

dollars are approved by the department, or in the case of a receiver, approved by court;

- (f) Entering into contracts necessary for the operation of the nursing home, provided that, the court must approve contracts extending beyond the period of receivership;
- (g) Preparing all department-required reports;
- (h) Overseeing facility closure, when appropriate;
- (i) Planning required relocation with residents and residents' legal representative, family, or significant others in conjunction with home and community services division field staff;
- (j) Meeting regularly with and informing staff, residents, and residents' families or significant others of:
 - (i) Plans for correcting the cited deficiencies;
 - (ii) Progress achieved in correction of deficiencies;
 - (iii) Plans for facility closure and relocation; and
 - (iv) Plans for continued operation of the nursing home, including training of staff.

(2) The temporary manager or receiver must make a detailed monthly accounting of all expenditures and liabilities to the department and to the owner of the nursing home, and to the court when required.

(3) The receiver must consult the court in cases of extraordinary or questionable debts incurred prior to the receiver's appointment and will not have the power to close the home or sell any of the nursing home's assets without prior court approval.

(4) The temporary manager or receiver must comply with all applicable state and federal laws and regulations. If the nursing home is certified and is providing care to Medicaid clients, the temporary manager or receiver must become the Medicaid contractor for the duration of the temporary management or receivership period.

NEW SECTION

WAC 388-97-695 Termination of temporary management and receivership. (1) The department will terminate temporary management:

- (a) After three months unless good cause is shown to continue the temporary management. Good cause for continuing the temporary management exists when returning the nursing home to its former licensee would subject residents to a threat to health, safety, or welfare;
 - (b) When all residents are transferred and the nursing home is closed;
 - (c) When deficiencies threatening residents' health, safety, or welfare are eliminated and the former licensee agrees to department-specified conditions regarding the continued facility operation; or
 - (d) When a new licensee assumes control of the nursing home.
- (2) The department may appoint an alternate temporary manager:
- (a) When the temporary manager is no longer willing to serve as a temporary manager;
 - (b) If a temporary manager is not making acceptable progress in correcting the nursing home deficiencies or in closing the nursing home; or

(c) If the department determines the temporary manager is not operating the nursing home in a financially responsible manner.

(3) The receivership will terminate in accordance with RCW 18.51.450 and 18.51.460.

(4) The department may recommend to the court an alternate receiver be appointed:

(a) When the receiver is no longer willing to serve as a receiver; or

(b) If a receiver is not making acceptable progress in correcting the deficiencies in the nursing home.

WAC 388-98-830

Notification of response time.

WAC 388-98-870

Separate violations.

WAC 388-98-890

Reporting.

WSR 02-15-065

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Adult Services Administration)

[Filed July 11, 2002, 4:31 p.m.]

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-98-001 Definitions.
- WAC 388-98-003 Remedies.
- WAC 388-98-010 List of qualified receivers.
- WAC 388-98-015 Duties and powers of receiver.
- WAC 388-98-020 Termination of receivership.
- WAC 388-98-300 Temporary management.
- WAC 388-98-320 Temporary managers—Application.
- WAC 388-98-330 Duties and powers of temporary manager.
- WAC 388-98-340 Termination of temporary management.
- WAC 388-98-700 Stop placement—Informal review.
- WAC 388-98-750 Notice and hearing rights.
- WAC 388-98-810 Civil penalty fund.

Date of Adoption: July 10, 2002.

Purpose: Adopting new WAC 388-112-0001 through 388-112-0195. These rules implement requirements for staff orientation in adult family homes and boarding homes; implements requirements for licensed boarding home administrators and caregivers to have basic training and specialty training; moves all training requirements for these two settings into one training WAC.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-76-59100, 388-76-59110, 388-76-59120 and 388-110-110; and amending WAC 388-76-570, 388-76-655, and 388-76-660.

Statutory Authority for Adoption: RCW 18.20.090, 70.128.040, 74.39A.050, and 34.05.020.

Other Authority: Chapter 121, Laws of 2000, and chapter 233, Laws of 2002.

Adopted under notice filed as WSR 01-23-073 on November 20, 2001, and supplemental notice filed as WSR 02-11-032 on May 7, 2002.

Changes Other than Editing from Proposed to Adopted Version: These rules were originally filed as WSR 01-23-073. As a result of public comments and statutory directives, the rules were revised, renumbered, and repropose.

Rules as Proposed	Changes (additions underlined, deletions struck through)	Explanation of changes
WAC 388-112-0005	What definitions apply to this chapter?	
	"Designee" means a person in a boarding home who supervises caregivers and who is designated by a boarding home administrator to take the trainings in this chapter required of the boarding home administrator. <u>A boarding home administrator may have more than one designee.</u>	Clarification.
WAC 388-112-0010	When do the training requirements go into effect? (1) <u>The training requirements of this chapter begin September 1, 2002, or one hundred twenty days from the date of employment, whichever is later, and apply to:</u> (2) <u>Adult family home providers, resident managers, and caregivers, and boarding home administrators, designees, and caregivers, who are hired or begin to provide hands-on personal care to residents subsequent to September 1, 2002; and</u>	New WAC section, added from statute per chapter 233, Laws of 2002 for clarification.

PERMANENT

Rules as Proposed	Changes (additions underlined, deletions struck through)	Explanation of changes
	<p>(3) Existing adult family home providers, resident managers, and caregivers, and boarding home administrators, designees, and caregivers, who on September 1, 2002, have not successfully completed the training requirements under RCW 74.39A.010, 74.39A.020, 70.128.120, or 70.128.130 and this chapter. Existing adult family home providers, resident managers, and caregivers, and boarding home administrators, designees, and caregivers, who have not successfully completed the training requirements under RCW 74.39A.010, 74.39A.020, 70.128.120, or 70.128.130 are subject to all applicable requirements of this chapter. However, until September 1, 2002, nothing in this chapter affects the current training requirements under RCW 74.39A.010, 74.39A.020, 70.128.120, or 70.128.130.</p>	
WAC 388-112-0035	(5) The location of name of the home giving the orientation; and	Clarify meaning of "location" based on comments.
WAC 388-112-0040	<p>Who is required to complete orientation, and when must it be completed? (1) Adult family home providers (including entity representatives as defined under chapter 388-76 WAC), resident managers, and a All paid or volunteer staff who begin work September 1, 2002 or later must complete orientation before having routine interaction with residents.</p>	Clarify that AFH providers do not have to have this orientation, but all other staff do.
WAC 388-112-0070	<p>What documentation is required for successful completion of basic training? (1)(c) The location of name of the home or training entity giving the training; ...</p>	Clarify what was meant by location, based on public comment.
WAC 388-112-0075	<p>Who is required to complete basic training, and when? (4) Boarding home administrators (or their designees), except administrators with a current nursing home administrator license, must complete basic training and demonstrate competency within one hundred twenty days of employment or within one hundred twenty days of September 1, 2002, whichever is later.</p>	Change based on public comment.
WAC 388-112-0100	<p>What documentation is required for successful completion of modified basic training? (1)(c) The location of name of the home or training entity giving the training. ...</p>	Clarification based on public comment.
WAC 388-112-0110	<p>What is specialty training? (1) Specialty or "special needs" training, including caregiver specialty training, provides instruction in caregiving skills that meet the special needs of people living with mental illness, dementia, or developmental disabilities. Specialty trainings are different for each population served and are not interchangeable. Specialty training may be integrated with basic training if the complete content of each training is included. DSHS must approve specialty training <u>curricula for managers and caregivers</u>, except for <u>adult family home caregiver dementia and mental health specialty training</u>. (2) Manager specialty training for boarding home administrators (or designees), adult family home providers and resident managers specialty training. After successfully completing the specialty training, the boarding home administrator (or designee) may train his or her own caregiver staff as follows:... (2) (3) Boarding home e Caregiver specialty training <u>for boarding homes:</u> (3) (4) Caregiver specialty training for adult family homes e caregiver specialty training: The provider <u>or resident manager who has successfully completed the manager specialty training</u>, or a person knowledgeable about the specialty area trains adult family home caregivers in the specialty needs of the individual residents in the adult family home, and there is no required curriculum.</p>	<p>(1) Clarify that DSHS does not need to approve AFH caregiver specialty training curricula. (2) Differentiate between manager and caregiver specialty trainings. Information on administrators and designees training their own caregivers in specialty without meeting the instructor qualifications has been moved to the instructor qualifications for each specialty, sections 0385, 0390, and 0395. (3) Editing. (4) Clarification.</p>
WAC 288-112-0120	<p>What knowledge and skills must <u>manager and caregiver developmental disabilities specialty training</u> include? (1) <u>Manager and caregiver developmental disabilities specialty training</u> must include all of the learning outcomes and competencies published by DSHS for the following core knowledge and skills: (3) The <u>manager and caregiver developmental disabilities specialty training</u> learning outcomes and competencies may be obtained from the DSHS division of developmental disabilities.</p>	Clarify that this training content is for both managers and caregivers.

PERMANENT

Rules as Proposed	Changes (additions underlined, deletions struck through)	Explanation of changes
WAC 388-112-0125	<p>What knowledge and skills must <u>manager</u> dementia specialty include?</p> <p>(1) <u>Manager</u> dementia specialty training must include all the learning outcomes and competencies published by DSHS for the following core knowledge and skills:...</p> <p>(2) The <u>manager</u> dementia specialty training learning outcomes and competencies may be obtained from the DSHS aging and adult services administration.</p>	Clarify that this training is for managers, not caregivers.
WAC 388-112-0135	<p>What knowledge and skills must <u>manager</u> mental health specialty training include? <u>Manager</u> mental health specialty training must include all the learning outcomes and competencies published by DSHS for the following core knowledge and skills:</p> <p>(2) The <u>manager</u> mental health specialty training learning outcomes and competencies may be obtained from the DSHS aging and adult services administration.</p>	Clarify that this training is for managers, not caregivers.
WAC 388-112-0155	<p>What documentation is required for successful completion of specialty training, including caregiver specialty training?</p> <p>(3) The location of name of the home or training entity giving the training. ...</p>	Clarify "location" based on public comment.
WAC 388-112-0160	<p>Who is required to complete <u>manager</u> specialty training, and when?</p> <p>Adult Family Homes</p> <p>(1) Adult family home providers (including entity representatives as defined under chapter 388-76 WAC) and resident managers must complete <u>manager</u> specialty training and demonstrate competency before admitting and serving residents who have special needs related to mental illness, dementia, or a developmental disability.</p> <p>(2) If a resident develops special needs while living in a home without a specialty designation, the provider and resident manager have one hundred twenty days to complete <u>manager</u> specialty training and demonstrate competency.</p> <p>Boarding Homes</p> <p>(3) If a boarding home serves one or more residents with special needs, the boarding home administrator (or designee) must complete <u>manager</u> specialty training and demonstrate competency within one hundred twenty days of employment or within one hundred twenty days of September 1, 2002, whichever is later. home. A boarding home administrator with a current nursing home administrator license is exempt from this requirement, unless the administrator will train their facility caregivers in a caregiver specialty.</p> <p>(4) If a resident develops special needs while living in a boarding home, the boarding home administrator (or designee) has one hundred twenty days to complete <u>manager</u> specialty training and demonstrate competency. A boarding home administrator with a current nursing home administrator license is exempt from this requirement, unless the administrator will train their facility caregivers in a caregiver specialty.</p>	<p>Clarify type of specialty training required.</p> <p>Clarify type of specialty training required.</p> <p>Changed based on public comment.</p>
WAC 388-112-0190	(1)(c) The location of name of the training entity giving the training.;	Clarification.
WAC 388-112-0195	<p>Who is required to complete nurse delegation core training, and when?</p> <p>(1) Before performing any delegated nursing task, adult family home staff must:</p> <p>(a) Successfully complete DSHS-designated nurse delegation core training; and</p> <p>(b) Be a nursing assistant registered or certified under chapter 18.88A RCW; and</p> <p>(c) <u>If a nursing assistant registered, successfully complete basic training.</u></p> <p>(2) Before performing any delegated nursing task, boarding home staff must:</p> <p>(a) <u>Successfully complete DSHS-designated nurse delegation core training; and</u></p> <p>(b) Be a nursing assistant registered or certified under chapter 18.88A RCW; and</p> <p>(c) <u>If a nursing assistant registered, successfully complete basic training.</u></p>	Add more complete information about nurse delegation requirements; editing.

PERMANENT

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 40, Amended 3, Repealed 4.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 40, Amended 3, Repealed 4.

Effective Date of Rule: Thirty-one days after filing.

July 10, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Chapter 388-112 WAC

RESIDENTIAL LONG-TERM CARE SERVICES

TRAINING

SECTION I—PURPOSE AND DEFINITIONS

NEW SECTION

WAC 388-112-0001 What is the purpose of this chapter? The residential long-term care training requirements under this chapter apply to:

- (1) All adult family homes licensed under chapter 70.128 RCW; and
- (2) All boarding homes licensed under chapter 18.20 RCW.

NEW SECTION

WAC 388-112-0005 What definitions apply to this chapter? "Caregiver" means anyone providing hands-on personal care to another person including but not limited to cuing, reminding, or supervision of residents, on behalf of an adult family home or boarding home, except volunteers who are directly supervised.

"Challenge test" means a competency test taken without first taking the class for which the test is designed.

"Competency" means the minimum level of information and skill trainees are required to know and be able to demonstrate.

"Designee" means a person in a boarding home who supervises caregivers and who is designated by a boarding home administrator to take the trainings in this chapter required of the boarding home administrator. A boarding home administrator may have more than one designee.

"Direct supervision" means oversight by a person who has demonstrated competency in the basic training (and specialty training if required), or who has been exempted from the basic training requirements, is on the premises, and is quickly and easily available to the caregiver.

"DSHS" refers to the department of social and health services.

"Home" refers to adult family homes and boarding homes.

"Indirect supervision" means oversight by a person who has demonstrated competency in the basic training (and specialty training if required), or who has been exempted from the basic training requirements, and who is quickly and easily available to the caregiver, but not necessarily on-site.

"Learning outcomes" means the specific information, skills and behaviors desired of the learner as a result of a specific unit of instruction, such as what they would learn by the end of a single class or an entire course. Learning outcomes are generally identified with a specific lesson plan or curriculum.

"Resident" means a person residing and receiving long-term care services at a boarding home or adult family home. As applicable, the term resident also means the resident's legal guardian or other surrogate decision maker.

"Routine interaction" means contact with residents that happens regularly.

NEW SECTION

WAC 388-112-0010 When do the training requirements go into effect? The training requirements of this chapter begin September 1, 2002, or one hundred twenty days from the date of employment, whichever is later, and apply to:

(1) Adult family home providers, resident managers, and caregivers, and boarding home administrators, designees, and caregivers, who are hired or begin to provide hands-on personal care to residents subsequent to September 1, 2002; and

(2) Existing adult family home providers, resident managers, and caregivers, and boarding home administrators, designees, and caregivers, who on September 1, 2002, have not successfully completed the training requirements under RCW 74.39A.010, 74.39A.020, 70.128.120, or 70.128.130 and this chapter. Existing adult family home providers, resident managers, and caregivers, and boarding home administrators, designees, and caregivers, who have not successfully completed the training requirements under RCW 74.39A.010, 74.39A.020, 70.128.120, or 70.128.130 are subject to all applicable requirements of this chapter. However, until September 1, 2002, nothing in this chapter affects the current training requirements under RCW 74.39A.010, 74.39A.020, 70.128.120, or 70.128.130.

SECTION II—ORIENTATION

NEW SECTION

WAC 388-112-0015 What is orientation? Orientation provides basic introductory information appropriate to the residential care setting and population served. The department does not approve specific orientation programs, materials, or trainers for homes. No test is required for orientation.

NEW SECTION

WAC 388-112-0020 What content must be included in an orientation? Orientation may include the use of videotapes, audiotapes, and other media if the person overseeing the orientation is available to answer questions or concerns for the person(s) receiving the orientation. Orientation must include introductory information in the following areas:

- (1) The care setting;
- (2) The characteristics and special needs of the population served;
- (3) Fire and life safety, including:
 - (a) Emergency communication (including phone system if one exists);
 - (b) Evacuation planning (including fire alarms and fire extinguishers where they exist);
 - (c) Ways to handle resident injuries and falls or other accidents;
 - (d) Potential risks to residents or staff (for instance, aggressive resident behaviors and how to handle them); and
 - (e) The location of home policies and procedures.
- (4) Communication skills and information, including:
 - (a) Methods for supporting effective communication among the resident/guardian, staff, and family members;
 - (b) Use of verbal and non-verbal communication;
 - (c) Review of written communications and/or documentation required for the job, including the resident's service plan;
 - (d) Expectations about communication with other home staff; and
 - (e) Whom to contact about problems and concerns.
- (5) Universal precautions and infection control, including:
 - (a) Proper hand washing techniques;
 - (b) Protection from exposure to blood and other body fluids;
 - (c) Appropriate disposal of contaminated/hazardous articles;
 - (d) Reporting exposure to contaminated articles, blood, or other body fluids; and
 - (e) What staff should do if they are ill.
- (6) Resident rights, including:
 - (a) The resident's right to confidentiality of information about the resident;
 - (b) The resident's right to participate in making decisions about the resident's care, and to refuse care;
 - (c) Staff's duty to protect and promote the rights of each resident, and assist the resident to exercise his or her rights;
 - (d) How and to whom staff should report any concerns they may have about a resident's decision concerning the resident's care;
 - (e) Staff's duty to report any suspected abuse, abandonment, neglect, or exploitation of a resident;
 - (f) Advocates that are available to help residents (LTC ombudsmen, organizations); and
 - (g) Complaint lines, hot lines, and resident grievance procedures.

NEW SECTION

WAC 388-112-0025 Is competency testing required for orientation? There is no competency testing required for orientation.

NEW SECTION

WAC 388-112-0030 Is there a challenge test for orientation? There is no challenge test for orientation.

NEW SECTION

WAC 388-112-0035 What documentation is required for orientation? The home must maintain documentation of completion of orientation, issued by the home, that includes:

- (1) The trainee's name;
- (2) A list of the specific information taught;
- (3) Signature of the person overseeing orientation, indicating completion of the required information;
- (4) The trainee's date of employment;
- (5) The name of the home giving the orientation; and
- (6) The date(s) of orientation.

NEW SECTION

WAC 388-112-0040 Who is required to complete orientation, and when must it be completed? Adult Family Home

(1) All paid or volunteer staff in adult family homes who begin work September 1, 2002 or later must complete orientation before having routine interaction with residents. Orientation must be provided by appropriate adult family home staff.

Boarding Home

(2) Boarding home administrators (or their designees), caregivers, and all paid or volunteer staff who begin work September 1, 2002 or later must complete orientation before having routine interaction with residents. Orientation must be provided by appropriate staff.

SECTION III—BASIC TRAININGNEW SECTION

WAC 388-112-0045 What is basic training? Basic training includes the core knowledge and skills that caregivers need in order to provide personal care services effectively and safely. DSHS must approve basic training curricula.

NEW SECTION

WAC 388-112-0050 Is there an alternative to the basic training for some health care workers? Certain health care workers may complete the modified basic training instead of basic training if they meet the requirements in WAC 388-112-0105.

NEW SECTION

WAC 388-112-0055 What knowledge and skills must be taught in basic training? (1) The basic training knowledge and skills must include all of the learning outcomes and competencies published by the department for the following core knowledge and skills:

(a) Understanding and using effective interpersonal and problem solving skills with the resident, family members, and other care team members;

(b) Taking appropriate action to promote and protect resident rights, dignity, and independence;

(c) Taking appropriate action to promote and protect the health and safety of the resident and the caregiver;

(d) Correctly performing required personal care tasks while incorporating resident preferences, maintaining the resident's privacy and dignity, and creating opportunities that encourage resident independence;

(e) Adhering to basic job standards and expectations.

(2) The basic training learning outcomes and competencies may be obtained from the DSHS aging and adult services administration.

NEW SECTION

WAC 388-112-0060 Is competency testing required for basic training? Passing the DSHS competency test is required for successful completion of basic training as provided under WAC 388-112-0290 through 388-112-0315.

NEW SECTION

WAC 388-112-0065 Is there a challenge test for basic training? Individuals may take the DSHS challenge test instead of the required training. If a person does not pass a challenge test on the first attempt, they may not re-take the challenge test and must attend a class.

NEW SECTION

WAC 388-112-0070 What documentation is required for successful completion of basic training? (1) Basic training must be documented by a certificate of successful completion of training, issued by the instructor or training entity, that includes:

(a) The name of the trainee;

(b) The name of the training;

(c) The name of the home or training entity giving the training;

(d) The instructor's name and signature; and

(e) The date(s) of training.

(2) The trainee must be given an original certificate. A home must keep a copy of the certificate on file.

NEW SECTION

WAC 388-112-0075 Who is required to complete basic training, and when? Adult Family Homes

(1) Adult family home providers (including entity representatives as defined under chapter 388-76 WAC) must com-

plete basic training and demonstrate competency before operating an adult family home.

(2) Adult family home resident managers must complete basic training and demonstrate competency before providing services in an adult family home.

(3) Caregivers in adult family homes must complete basic training within one hundred twenty days of when they begin providing hands-on personal care or within one hundred twenty days of September 1, 2002, whichever is later. Until competency in the basic training has been demonstrated, caregivers may not provide hands-on personal care without indirect supervision.

Boarding Homes

(4) Boarding home administrators (or their designees), except administrators with a current nursing home administrator license, must complete basic training and demonstrate competency within one hundred twenty days of employment or within one hundred twenty days of September 1, 2002, whichever is later.

(5) Caregivers must complete basic training within one hundred twenty days of when they begin providing hands-on personal care or within one hundred twenty days of September 1, 2002, whichever is later. Until competency in the basic training has been demonstrated, caregivers may not provide hands-on personal care without direct supervision.

SECTION IV—MODIFIED BASIC TRAININGNEW SECTION

WAC 388-112-0080 What is modified basic training? Modified basic training is a subset of the basic training curriculum designed for certain health care workers defined in WAC 388-112-0105, whose previous training includes many of the outcomes taught in the full basic training. DSHS must approve modified basic training curricula.

NEW SECTION

WAC 388-112-0085 What knowledge and skills must be included in modified basic training? (1) Modified basic training must include all of the learning outcomes and competencies published by DSHS for the following core knowledge and skills:

(a) Resident rights, including mandatory reporting requirements;

(b) Medication assistance regulations;

(c) Nurse delegation regulations;

(d) Assessment and observations in home and community settings;

(e) Documentation in home and community settings;

(f) Service planning in home and community care settings;

(g) Resource information, including information on continuing education; and

(h) Self-directed care regulations for home care.

(2) The modified basic training learning outcomes and competencies may be obtained from the DSHS aging and adult services administration.

NEW SECTION

WAC 388-112-0090 Is competency testing required for modified basic training? Passing the DSHS competency test is required for successful completion of modified basic training as provided in WAC 388-112-0290 through 388-112-0315.

NEW SECTION

WAC 388-112-0095 Is there a challenge test for modified basic training? Individuals may take the department's challenge test instead of the required training. If a person does not pass a challenge test on the first attempt, they may not re-take the challenge test and must attend the class.

NEW SECTION

WAC 388-112-0100 What documentation is required for successful completion of modified basic training? (1) Modified basic training must be documented by a certificate of successful completion of training, issued by the instructor or training entity, that includes:

- (a) The name of the trainee;
- (b) The name of the training;
- (c) The name of the home or training entity giving the training;
- (d) The instructor's name and signature; and
- (e) The date(s) of training.

(2) The trainee must be given an original certificate. A home must keep a copy of the certificate on file.

NEW SECTION

WAC 388-112-0105 Who may take modified basic training instead of the full basic training? Modified basic training may be taken, instead of the full basic training, by a person who can document that they have successfully completed training as a registered or licensed practical nurse, certified nursing assistant, physical therapist, occupational therapist, or Medicare-certified home health aide.

SECTION V—SPECIALTY TRAININGNEW SECTION

WAC 388-112-0110 What is specialty training? (1) Specialty or "special needs" training, including caregiver specialty training, provides instruction in caregiving skills that meet the special needs of people living with mental illness, dementia, or developmental disabilities. Specialty trainings are different for each population served and are not interchangeable. Specialty training may be integrated with basic training if the complete content of each training is included. DSHS must approve specialty training curricula for managers and caregivers, except for adult family home caregiver specialty training.

(2) Manager specialty training for boarding home administrators (or designees), adult family home providers and resident managers:

(a) Developmental disabilities specialty training, under WAC 388-112-0120, is the required training on that specialty for adult family home providers and resident managers, and for boarding home administrators (or designees.)

(b) Dementia specialty training, under WAC 388-112-0135, and mental health specialty training, under WAC 388-112-0140, are the required trainings on those specialties for adult family home providers and resident managers, and for boarding home administrators (or designees).

(3) Caregiver specialty training for boarding homes:

(a) Developmental disabilities specialty training, under WAC 388-112-0120, is the required training on that specialty for boarding home caregivers.

(b) Caregiver dementia training, under WAC 388-112-0135, and caregiver mental health training, under WAC 388-112-0140, are the required trainings on those specialties for boarding home caregivers.

(4) Caregiver specialty training for adult family homes:

The provider or resident manager who has successfully completed the manager specialty training, or a person knowledgeable about the specialty area, trains adult family home caregivers in the specialty needs of the individual residents in the adult family home, and there is no required curriculum.

NEW SECTION

WAC 388-112-0115 What specialty training, including caregiver specialty training, is required if a resident has more than one special need? If an individual resident has needs in more than one of the special needs areas, the home must determine which of the specialty trainings will most appropriately address the overall needs of the person and ensure that the specialty training that addresses the overall needs is completed as required. If additional training beyond the specialty training is needed to meet all of the resident's needs, the home must ensure that additional training is completed.

NEW SECTION

WAC 388-112-0120 What knowledge and skills must manager and caregiver developmental disabilities specialty trainings include? (1) Manager and caregiver developmental disabilities specialty trainings must include all of the learning outcomes and competencies published by DSHS for the following core knowledge and skills:

- (a) Overview of developmental disabilities;
- (b) Values of service delivery;
- (c) Effective communication;
- (d) Introduction to interactive planning;
- (e) Understanding behavior;
- (f) Crisis prevention and intervention; and
- (g) Overview of legal issues and individual rights.

(2) For adult family homes, the division of developmental disabilities (DDD) will provide in-home technical assistance to the adult family home upon admission of the first resident eligible for services from DDD and, thereafter, as determined necessary by DSHS.

(3) The manager and caregiver developmental disabilities specialty training learning outcomes and competencies may be obtained from the DSHS division of developmental disabilities.

Reviser's note: The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 388-112-0125 What knowledge and skills must manager dementia specialty training include? (1) Manager dementia specialty training must include all the learning outcomes and competencies published by DSHS for the following core knowledge and skills:

- (a) Introduction to the dementias;
- (b) Differentiating dementia, depression, and delirium;
- (c) Caregiving goals, values, attitudes and behaviors;
- (d) Caregiving principles and dementia problem solving;
- (e) Effects of cognitive losses on communication;
- (f) Communicating with people who have dementia;
- (g) Sexuality and dementia;
- (h) Rethinking "problem" behaviors;
- (i) Hallucinations and delusions;
- (j) Helping with activities of daily living (ADLs);
- (k) Drugs and dementia;
- (l) Working with families;
- (m) Getting help from others; and
- (n) Self-care for caregivers.

(2) The manager dementia specialty training learning outcomes and competencies may be obtained from the DSHS aging and adult services administration.

NEW SECTION

WAC 388-112-0130 What knowledge and skills must caregiver dementia training include? (1) Caregiver dementia training must include all the learning outcomes and competencies published by DSHS for the following core knowledge and skills:

- (a) Introduction to the dementias;
- (b) Dementia, depression, and delirium;
- (c) Resident-based caregiving;
- (d) Dementia caregiving principles;
- (e) Communicating with people who have dementia;
- (f) Sexuality and dementia;
- (g) Re-thinking "problem" behaviors;
- (h) Hallucinations and delusions;
- (i) Helping with activities of daily living (ADLs); and
- (j) Working with family and friends.

(2) The learning outcomes and competencies for caregiver dementia training may be obtained from the DSHS aging and adult services administration.

NEW SECTION

WAC 388-112-0135 What knowledge and skills must manager mental health specialty training include? (1) Manager mental health specialty training must include all the

learning outcomes and competencies published by DSHS for the following core knowledge and skills:

- (a) Introduction to mental illness;
- (b) Culturally compassionate care;
- (c) Respectful communications;
- (d) Understanding mental illness - major mental disorders;
- (e) Understanding mental illness - baseline, decompensation, and relapse planning; responses to hallucinations and delusions;
- (f) Understanding and interventions for behaviors perceived as problems;
- (g) Aggression;
- (h) Suicide;
- (i) Medications;
- (j) Getting help from others; and
- (k) Self-care for caregivers.

(2) The manager mental health specialty training learning outcomes and competencies may be obtained from the DSHS aging and adult services administration.

NEW SECTION

WAC 388-112-0140 What knowledge and skills must caregiver mental health training include? (1) Caregiver mental health training must include all the learning outcomes and competencies published by DSHS for the following core knowledge and skills:

- (a) Understanding major mental disorders;
- (b) Individual background, experiences and beliefs;
- (c) Responding to decompensation, relapse, hallucinations and delusions;
- (d) Interventions for behaviors perceived as problems;
- (e) Aggression; and
- (f) Suicide.

(2) The learning outcomes and competencies for caregiver mental health training may be obtained from the DSHS aging and adult services administration.

NEW SECTION

WAC 388-112-0145 Is competency testing required for specialty training, including caregiver specialty training? Passing the DSHS competency test is required for successful completion of specialty training for adult family home providers and resident managers, and for boarding home administrators (or designees) and caregivers, as provided under WAC 388-112-0290 through 388-112-0315. Competency testing is not required for adult family home caregivers.

NEW SECTION

WAC 388-112-0150 Is there a challenge test for specialty training, including caregiver specialty training? There is a challenge test for all the specialty trainings, including caregiver specialty trainings, except the adult family home caregiver training. Individuals may take the DSHS challenge test instead of required specialty training. A person

who does not pass a challenge test on the first attempt must attend the class.

NEW SECTION

WAC 388-112-0155 What documentation is required for successful completion of specialty training, including caregiver specialty training? Specialty training, including caregiver specialty training, as applicable, must be documented by a certificate of successful completion of training, issued by the instructor or training entity, that includes:

- (1) The trainee's name;
 - (2) The name of the training;
 - (3) The name of the home or training entity giving the training;
 - (4) The instructor's name and signature; and
 - (5) The date(s) of training.
- (6) The trainee must be given an original certificate. The home must keep a copy of the certificate on file.

NEW SECTION

WAC 388-112-0160 Who is required to complete manager specialty training, and when? Adult Family Homes

(1) Adult family home providers (including entity representatives as defined under chapter 388-76 WAC) and resident managers must complete manager specialty training and demonstrate competency before admitting and serving residents who have special needs related to mental illness, dementia, or a developmental disability.

(2) If a resident develops special needs while living in a home without a specialty designation, the provider and resident manager have one hundred twenty days to complete manager specialty training and demonstrate competency.

Boarding Homes

(3) If a boarding home serves one or more residents with special needs, the boarding home administrator (or designee) must complete manager specialty training and demonstrate competency within one hundred twenty days of employment or within one hundred twenty days of September 1, 2002, whichever is later. A boarding home administrator with a current nursing home administrator license is exempt from this requirement, unless the administrator will train their facility caregivers in a caregiver specialty.

(4) If a resident develops special needs while living in a boarding home, the boarding home administrator (or designee) has one hundred twenty days to complete manager specialty training and demonstrate competency. A boarding home administrator with a current nursing home administrator license is exempt from this requirement, unless the administrator will train their facility caregivers in a caregiver specialty.

NEW SECTION

WAC 388-112-0165 Who is required to complete caregiver specialty training, and when? Adult family homes

If an adult family home serves one or more residents with special needs, all caregivers must receive training regarding the specialty needs of individual residents in the home. The provider or resident manager knowledgeable about the specialty area may provide this training.

Boarding homes

If a boarding home serves one or more residents with special needs, caregivers must complete caregiver specialty training and demonstrate competency.

(1) If the caregiver specialty training is integrated with basic training, caregivers must complete the caregiver specialty training within one hundred twenty days of when they begin providing hands-on personal care to a resident having special needs or within one hundred twenty days of September 1, 2002, whichever is later.

(2) If the caregiver specialty training is not integrated with basic training, caregivers must complete the relevant caregiver specialty training within ninety days of completing basic training.

(3) Until competency in the caregiver specialty has been demonstrated, caregivers may not provide hands-on personal care to a resident with special needs without direct supervision.

SECTION VI—NURSE DELEGATION CORE TRAINING

NEW SECTION

WAC 388-112-0170 What is nurse delegation core training? Nurse delegation core training is required before a nursing assistant may be delegated a nursing task. DSHS approves instructors for nurse delegation core training.

NEW SECTION

WAC 388-112-0175 What knowledge and skills must nurse delegation core training include? Only the curriculum developed by DSHS may be used for nurse delegation core training.

NEW SECTION

WAC 388-112-0180 Is competency testing required for nurse delegation core training? Passing the DSHS competency test is required for successful completion of nurse delegation core training, as provided under WAC 388-112-0265 through 388-112-0295.

NEW SECTION

WAC 388-112-0185 Is there a challenge test for nurse delegation core training? There is no challenge test for nurse delegation core training.

NEW SECTION

WAC 388-112-0190 What documentation is required for successful completion of nurse delegation core training?

ing? (1) Nurse delegation core training must be documented by a certificate of successful completion of training, issued by the instructor or training entity, that includes:

- (a) The name of the trainee;
- (b) The name of the training;
- (c) The name of the training entity giving the training;
- (d) The instructor's name and signature; and
- (e) The date(s) of training.

(2) The trainee must be given an original certificate.

Homes must keep a copy of the certificate on file.

NEW SECTION

WAC 388-112-0195 Who is required to complete nurse delegation core training, and when? Adult Family Homes

(1) Before performing any delegated nursing task, adult family home staff must:

- (a) Successfully complete DSHS-designated nurse delegation core training;
- (b) Be a nursing assistant registered or certified under chapter 18.88A RCW; and
- (c) If a nursing assistant registered, successfully complete basic training.

Boarding Homes

(2) Before performing any delegated nursing task, boarding home staff must:

- (a) Successfully complete DSHS-designated nurse delegation core training;
- (b) Be a nursing assistant registered or certified under chapter 18.88A RCW; and
- (c) If a nursing assistant registered, successfully complete basic training.

AMENDATORY SECTION (Amending WSR 98-11-095, filed 5/20/98, effective 7/1/98)

WAC 388-76-570 Additional license requirements—Multiple facility providers. (1) The department shall not issue a license to a provider to operate more than one adult family home unless:

(a) The applicant has operated an adult family home for at least one year in this state without any significant violation of the rules of this chapter; or

(b) The applicant has submitted evidence demonstrating that it has the capability to operate multiple adult family homes.

(2) An applicant that is applying to be licensed for more than one adult family home shall submit to the department for each adult family home:

(a) A twenty-four hour per day, seven days per week, staffing plan; and

(b) A plan for covering administrative responsibilities.

(3) Multiple facility providers shall have on-site at each adult family home a plan that addresses visitor parking, deliveries, and staff parking.

(4) The department may consider the applicant's credit history in determining whether to license the applicant for more than two adult family homes, when the department

determines the credit history relates to an applicant's ability to provide care and services to vulnerable adults.

(5) Prior to operating two or more adult family homes, the individual provider or entity representative shall successfully complete forty-eight hours of residential care administrator's training, ~~((including training in at least the following areas:~~

- ~~(a) Business planning and marketing;~~
- ~~(b) Fiscal planning and management;~~
- ~~(c) Human resource planning;~~
- ~~(d) Resident health services;~~
- ~~(e) Nutrition and food service;~~
- ~~(f) Working with people who are elderly, chronically mentally ill, or developmentally disabled;~~
- ~~(g) The licensing process;~~
- ~~(h) Social and recreational activities;~~
- ~~(i) Resident rights;~~
- ~~(j) Legal issues;~~
- ~~(k) Physical maintenance and fire safety; and~~
- ~~(l) Housekeeping)) as specified in WAC 388-112-0265 through 388-112-0285.~~

AMENDATORY SECTION (Amending WSR 98-11-095, filed 5/20/98, effective 7/1/98)

WAC 388-76-655 General management and administration. (1) The provider shall not admit or retain any resident whose needs the provider cannot meet.

(2) The provider shall ensure all of the following:

(a) That staff are competent(;) and receive necessary training, including but not limited to any training required under chapter 388-112 WAC to perform assigned tasks;

(b) The adult family home is in compliance with the requirements of this chapter and other applicable state laws;

(c) The home employs sufficient staff to meet the needs of the residents; and

(d) That he/she is available to respond to resident needs and caregiver inquiries within a reasonable time frame. In the event a provider is unavailable (including but not limited to being on vacation), a person must be designated to respond on behalf of the provider.

(3) The provider shall maintain liability insurance of at least one hundred thousand dollars per occurrence to cover:

(a) Damage or loss of the resident's property if due to negligence of the insured; and

(b) Injury or harm to the resident resulting from:

- (i) The provision of services or failure to provide needed services; or

- (ii) Incidents occurring in the adult family home or on the home's premises.

(4) The provider shall ensure that all caregivers are at least eighteen years of age or older.

(5) The provider shall ensure that the provider, entity representative, resident manager and all caregivers:

- (a) Are able to communicate or make provisions for communicating with the resident in his or her primary language;

- (b) Have a clear understanding of job responsibilities and knowledge of residents' negotiated care plans in order to be able to provide care specific to each resident's needs; and

(c) Not engage in the illegal use of drugs or the excessive use of alcohol when providing care to residents; and

(d) Possess a valid first aid and CPR card prior to providing care for residents unless such care is directly supervised by a fully qualified caregiver who has a valid first aid and CPR card.

(6) The provider shall ensure that:

(a) There is at least one caregiver present in the home whenever one or more residents are on the premises;

(b) The caregiver referred to in (a) of this subsection is capable of understanding and speaking English well enough to be able to respond appropriately to emergency situations; and

(c) At least one caregiver is accessible by phone or beeper for emergencies when there are no residents on the ((homes-)) home's premises.

(7) An adult family home shall be exempt from subsection (6)(a) of this section if:

(a) The home provides care to residents whose primary disabilities are developmental disabilities as defined by WAC 388-76-590; and

(b) It is determined and documented in a resident's current negotiated care plan that the resident is capable and willing to be left alone unsupervised in the adult family home during normal awake hours. The maximum period of time a resident can be left alone must be documented in the negotiated care plan.

AMENDATORY SECTION (Amending WSR 98-11-095, filed 5/20/98, effective 7/1/98)

WAC 388-76-660 Training. ~~((1) Before operating and providing services in an)~~ Adult family home((;)) individual providers, entity ~~((representative and))~~ representatives, resident managers ~~((shall successfully complete the department's~~

~~(a) Fundamentals of caregiving training; or~~

~~(b) Modified fundamentals of caregiving training if they meet the requirements listed in subsection (3) of this section.~~

~~(2) Providers shall ensure that:~~

~~(a) All caregivers hired in the adult family home successfully complete the department designated fundamentals of caregiving training within one hundred twenty days of employment, unless he or she meets the requirements in subsections (3) or (4) below; and~~

~~(b) All caregivers complete a minimum of ten hours of continuing education credits per calendar year, on topics relevant to caregiving:~~

~~(i) Topics include, but are not limited to residents' rights, personal care, dementia, mental illness, developmental disabilities, depression, medication assistance, communication skills, alternatives to restraints, and activities for residents;~~

~~(ii) Caregivers must receive a certificate of completion to meet the requirement for continuing education credit and each hour of completed instruction will count as one hour of continuing education credit; and~~

~~(iii) The continuing education requirement begins the calendar year after the year in which the caregiver completes the fundamentals or modified fundamentals of caregiving training.~~

~~(3) A caregiver who has successfully completed training as a registered or licensed practical nurse, a physical or occupational therapist, a nursing assistant certified, a home health aid from a Medicare certified home health agency, who has successfully completed department approved adult family home training, or department approved personal care training from an area agency on aging or their subcontractor, or who is a resident manager or provider prior to July 20, 1996, is exempt from the fundamentals of caregiving training in subsection (2) of this section if the caregiver successfully completes the department designated modified fundamentals of caregiving training in accordance with the dates specified in subsection (2) of this section.~~

~~(4) Caregivers are exempt from attending the fundamentals of caregiving or modified fundamentals of caregiving trainings if they successfully pass the department's challenge test for the class they are required to take. The caregiver has only one opportunity to successfully pass the challenge test then he/she must attend the fundamentals of caregiving or modified fundamentals of caregiving trainings as required.~~

~~(5) A provider and any of their staff who have successfully completed the division of developmental disabilities (DDD) staff training as required by chapter 275-26 WAC is exempt from the fundamentals of caregiving training in subsections (1) and (2) of this section, as long as the provider continues to work for a DDD contracted agency. This exemption no longer applies if the provider or their staff leaves the DDD contracted agency.~~

~~(6) Volunteers are exempt from the training requirements listed above unless they provide unsupervised direct personal care to residents.~~

~~(7) The provider shall document that caregivers have met the education and training requirements), and caregivers must meet the training requirements under chapter 388-112 WAC.~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-76-59100	Does completion of this training substitute for any other required trainings?
WAC 388-76-59110	For the dementia and mental health specialties can providers take a test instead of attending the training?
WAC 388-76-59120	Are there any different training requirements for adult family homes providing services to persons with developmental disabilities?
WAC 388-110-110	Caregiver education and training requirements.

PERMANENT

WSR 02-15-066
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Adult Services Administration)
 [Filed July 11, 2002, 4:33 p.m.]

Date of Adoption: July 10, 2002.

Purpose: Adopting new WAC 388-112-0200 through 388-112-0410. These rules implement requirements for licensed boarding home administrators and caregivers to have continuing education; moves all training requirements for these two settings into one training WAC; and implements processes for approval of alternative curricula and

instructors. Proposed amendments to WAC 388-78A-060 filed as WSR 01-23-074 were withdrawn.

Citation of Existing Rules Affected by this Order: Amending WAC 388-78A-050.

Statutory Authority for Adoption: RCW 18.20.090, 70.128.040, 74.39A.050, and 34.05.020.

Other Authority: Chapter 121, Laws of 2000 and chapter 233, Laws of 2002.

Adopted under notice filed as WSR 01-23-074 on November 20, 2001, and supplemental notice filed as WSR 02-11-031 on May 7, 2002.

Changes Other than Editing from Proposed to Adopted Version: These rules were originally filed as WSR 01-23-074. As a result of public comments and statutory directives, the rules were revised, renumbered, and repropose.

PERMANENT

Rules as Proposed	Changes (additions underlined, deletions struck through)	Explanation of changes
WAC 388-112-0225	May specialty training be used to meet continuing education requirements? Manager <u>Specialty training and caregiver specialty training, using an approved curriculum,</u> except any specialty training completed through a challenge test, may be used to meet continuing education requirements.	Clarify separate manager and caregiver specialty training, and that an approved curriculum must be used.
WAC 388-112-0240	What are the documentation requirements for continuing education? (1) (c) The instructor's name, <u>name of the home or training entity giving the training,</u> or the name of the video, on-line class, professional journal, or equivalent instruction materials completed;	Clarification, since instructor's name alone will not identify the home or other training entity involved.
WAC 388-112-0245	Who is required to complete continuing education training, and when? (3) Boarding home administrators (or their designees) and caregivers must complete ten hours of continuing education each calendar year (January 1 through December 31) after the year in which they successfully complete basic or modified basic training. <u>A boarding home administrator with a current nursing home administrator license is exempt from this requirement.</u>	Exemption for administrators with NH license based on public comment.
WAC 388-112-0260	What are the CPR and first aid training requirements? (4) Boarding home administrators who provide direct care, and caregivers must take <u>possess a valid</u> CPR and first aid <u>card or certificate</u> within thirty days of employment, and must maintain valid cards or certificates. <u>Boarding home licensed nurses must possess a valid CPR card or certificate within thirty days of employment, and must maintain a valid card or certificate.</u>	Based on public comment, licensed nurses are not required to take first aid; only BH administrators who provide direct care are required to take first aid. "Possess a valid card" rewording based on public comment that someone may already possess a valid card, and should not have to retake the training.
WAC 388-112-0285	What documentation is required for residential care administrator training? (1) (c) The location of <u>name of the training entity giving the training;</u>	Clarify the meaning of "location" because some people thought it meant the city, not the training entity.
WAC 388-112-0300	What training must include the DSHS-developed competency test? Basic, modified basic, <u>manager specialty,</u> caregiver <u>specialty in boarding homes,</u> and nurse-delegation core training must include the DSHS-developed competency test.	Renumbering; clarify separate specialty training for caregivers and managers; clarify that only the BH caregiver specialty includes a test, and not the AFH caregiver specialty training.
WAC 388-112-0305	How must competency test administration be standardized? To standardize competency test administration, testing must include the following components: (1) The person teaching the course must oversee <u>administer or supervise the administration of</u> all testing; and	"Oversee" was not clear, so it was reworded for clarity, based on comments.

Rules as Proposed	Changes (additions underlined, deletions struck through)	Explanation of changes
WAC 388-112-0320	<p>What trainings must be taught with a curriculum approved by DSHS?</p> <p>(1) (c) <u>Manager</u> mental health, dementia, and developmental disabilities specialty training;</p> <p>(d) <u>Caregiver specialty training in boarding homes</u>; and</p> <p>(e) Any training that integrates basic with a <u>manager specialty training</u> or caregiver specialty training. ...</p> <p>(4) A curriculum other than the DSHS curriculum must be approved by attestation before it is used. <u>An attestation that the curriculum meets all requirements under this chapter will be sufficient for initial approval. Final approval will be based on curriculum review, as described under WAC 388-112-0330.</u></p>	<p>Separate references to manager and caregiver specialty.</p> <p>Clarify that a review and final approval will follow.</p>
WAC 388-112-0335	<p>What are the requirements for a boarding home or adult family home that wishes to conduct basic, modified basic, <u>manager specialty, or caregiver specialty staff training</u>?</p> <p>(1) A boarding home or adult family home wishing to conduct basic, modified basic, <u>manager specialty, or caregiver specialty training for boarding home caregivers</u> may do so if the home:</p> <p>(4a) Verifies ...;</p> <p>(2b) Teaches ...</p> <p>(3c) Notifies DSHS in writing of the home's intent to conduct staff training prior to providing <u>the home's first training, and when changing training plans</u>, including:</p> <p>(a) Home name;</p> <p>(b) Name of training(s) ...;</p> <p>(c) Name of curriculum(s) ...;</p> <p>(4) <u>Name of lead instructor and instructor's past employment in boarding homes and adult family homes; and</u></p> <p>(d) Whether the home ...</p> <p>(4d) Ensures that ...;</p> <p>(5e) Provides a certificate ...:</p> <p>(a) The trainee's ...</p> <p>(b) The name ...;</p> <p>(c) <u>The location name of the home giving of the training;</u></p> <p>(d) The instructor's ...</p> <p>(e) The date(s) ...;</p> <p>(6) Keeps a copy ...;</p> <p>(7) Keeps ...</p> <p>(8) Reports ...</p> <p>(2) <u>An adult family home wishing to conduct caregiver specialty training that is taught by the provider, resident manager, or person knowledgeable about the specialty area, as required under WAC 388-112-0110 subsection (3), must document the specialty training as provided under WAC 388-112-0155.</u></p>	<p>Renumbering within the section for clarity. Clarify manager and caregiver specialty training, and that this does not apply to AFH caregiver specialty training.</p> <p>Internal renumbering.</p> <p>Clarification based on public comment.</p> <p>Internal renumbering.</p> <p>Add information needed per WAC 388-112-0345.</p> <p>Internal renumbering.</p> <p>Internal renumbering.</p> <p>Clarification.</p> <p>Internal renumbering.</p> <p>Clarify that AFH requirements are different from BH; not changing from current WAC except to clarify documentation requirement.</p>
	<p>(3) The home's instructor has been a licensee, boarding home administrator, or adult family home resident manager, as applicable, of any home while it was under <u>subject to</u> temporary management or subject to a revocation or summary suspension of the home's license, a stop placement of admissions order, a condition on the license related to resident care, or a civil fine of five thousand dollars or more, while the instructor was the licensee, administrator, or resident manager; or</p>	<p>Response to public comment, that someone coming in after a home is under enforcement, to help the home improve, should not be prohibited from becoming an instructor.</p>
WAC 388-112-0345	<p>(4) The home has been operated under temporary management or has been subject to a revocation or suspension of the home's license, a stop placement of admissions order, a condition on the license related to resident care, or a civil fine of five thousand dollars or more <u>within the previous twelve months.</u></p>	<p>Response to public comment, adding a clear time limit to this subsection.</p>

PERMANENT

Rules as Proposed	Changes (additions underlined, deletions struck through)	Explanation of changes
WAC 388-112-0380	<p>(1)(a) Upon initial approval or hire, must have:</p> <p>(i) A high school diploma and one year of <u>professional or</u> caregiving experience within the last five years in an adult family home, boarding home, supported living through DDD per chapter 388-820 WAC, or home care setting; or</p> <p>(ii) An associate degree in a health field and six months <u>professional or</u> caregiving experience within the last five years in an adult family home, boarding home, supported living through DDD per chapter 388-820 WAC, or home care setting.</p> <p>(b) Meet up to <u>Must have</u> forty hours of the one hundred hours of teaching experience, hour for hour, by teaching while being mentored by an instructor who meets these qualifications; and attend a class in adult education that meets the requirements of WAC 388-112-0400.</p>	<p>These changes were made in response to public comment to allow professional experience as well as caregiving experience to meet the work requirement.</p> <p>Clarification based on public comment.</p>
WAC 388-112-0385	<p><u>What are the minimum qualifications for instructors for manager and caregiver mental health specialty instructors? (1) <u>Instructors for manager mental health specialty training</u>: The minimum qualifications for <u>instructors for manager mental health specialty</u>, instructors, in addition to the general qualifications in WAC 388-112-0375, include:</u></p> <p>(1a) The instructor ...;</p> <p>(2b) Education -</p> <p>(ai) Bachelor's degree... (One year of education equals twenty-four semester hours, forty-five <u>thirty-six</u> quarter hours, or one hundred ninety-two hours of seminars, conferences, and continuing education.)</p> <p>(b) (i) If required ...</p> <p>(3c) Work experience ...</p> <p>(4d) Teaching experience</p> <p>(ai) Two hundred hours ...</p> <p>(bii) Successful completion ...:</p> <p>(Ai) For instructors ...;</p> <p>(#B) For instructors ...</p> <p>(5e) Instructors ...</p> <p><u>(2) Instructors for caregiver mental health specialty training:</u></p> <p><u>(a) Caregiver mental health specialty may be taught by a boarding home administrator (or designee), adult family home provider, or corporate trainer, who has successfully completed the manager mental health specialty training. A qualified instructor under this subsection may teach caregiver specialty to caregivers employed at other home(s) licensed by the same licensee.</u></p> <p><u>(b) Caregiver mental health specialty taught by a person who does not meet the requirements in subsection (2)(a) must meet the same requirements as the instructors for manager mental health specialty in subsection (1).</u></p>	<p>Clarify there are different requirements for manager and caregiver training. This section includes both.</p> <p>Internal renumbering.</p> <p>Equivalent number of quarter hours changed in response to public comment.</p> <p>Internal renumbering.</p> <p>Clarify separate training requirements.</p> <p>Options for in home training with reduced requirements, based on public comments about cost. This was moved into this section from sections 0110 and 0360, based on public comment.</p> <p>Clarification.</p>
WAC 388-112-0390	<p><u>What are the minimum qualifications for instructors for manager and caregiver dementia specialty instructors? (1) The minimum qualifications for <u>instructors for manager dementia specialty</u>, instructors, in addition to the general qualifications under WAC 388-112-0375, include:</u></p> <p>(1a) The instructor ...</p> <p>(2b) Education -</p> <p>(ai) Bachelor's degree, ... (One year of education equals twenty-four semester hours, forty-five <u>thirty-six</u> quarter hours, or one hundred ninety-two hours of seminars, conferences, and continuing education.)</p> <p>(b)(ii) If required ...</p> <p>(3c) Work experience ...</p> <p>(4d) Teaching ...</p> <p>(ai) Two hundred ..</p> <p>(ii) Successful completion ...</p> <p>(B) For instructors</p> <p>(5d) Instructors</p> <p><u>(2) Instructors for caregiver dementia specialty training:</u></p>	<p>Clarify there are different requirements for manager and caregiver training. This section includes both.</p> <p>Internal renumbering throughout the section.</p> <p>Internal renumbering throughout subsection (1).</p> <p>Equivalent number of quarter hours changed in response to public comment.</p> <p>Internal renumbering.</p> <p>Clarify different requirements for caregiver training.</p>

PERMANENT

Rules as Proposed	Changes (additions underlined, deletions struck through)	Explanation of changes
	(a) <u>Caregiver dementia specialty may be taught by a boarding home administrator (or designee), adult family home provider, or corporate trainer, who has successfully completed the manager dementia specialty training. A qualified instructor under this subsection may teach caregiver specialty to caregivers employed at other home(s) licensed by the same licensee.</u>	Options for home-based training with reduced requirements, based on public comments about cost. This was moved into this section from sections 0110 and 0360, based on public comment.
	(b) <u>Caregiver dementia specialty taught by a person who does not meet the requirements in subsection (2)(a) must meet the same requirements as the instructors for manager dementia specialty in subsection (1).</u>	Clarification.
WAC 388-112-0395	<p>What are the minimum qualifications for <u>instructors for manager and caregiver developmental disabilities specialty training instructors?</u></p> <p>(1) The minimum qualifications for <u>instructors for manager developmental disabilities specialty instructors</u>, in addition to the general qualifications under WAC 388-112-0375, include:</p> <p>(1a) Education ...:</p> <p>(i) Bachelor's ...</p> <p>(bii) High school diploma ...</p> <p>(2b) Successful ...</p> <p>(3c) Teaching experience:</p> <p>(ai) Two hundred hours ...</p> <p>(bii) Successful ...</p> <p>(iA) For instructors ...</p> <p>(iiB) For instructors</p> <p>(4d) Instructors ...</p> <p>(2) <u>Instructors for caregiver developmental disabilities specialty training:</u></p> <p>(c) <u>Caregiver developmental disabilities specialty may be taught by a boarding home administrator (or designee), adult family home provider, or corporate trainer, who has successfully completed the manager developmental disabilities specialty training. A qualified instructor under this subsection may teach caregiver specialty to caregivers employed at other home(s) licensed by the same licensee.</u></p> <p>(d) <u>Caregiver developmental disabilities specialty taught by a person who does not meet the requirements in subsection (2)(a) must meet the same requirements as the instructors for manager developmental disabilities specialty in subsection (1).</u></p>	<p>Clarify there are different requirements for manager and caregiver training. This section includes both.</p> <p>Internal renumbering.</p> <p>Internal renumbering.</p> <p>Identify caregiver training requirements.</p> <p>Options for home-based training with reduced requirements, based on public comments about cost.</p> <p>Clarification, given option listed above.</p>
WAC 388-112-0405	<p>What physical resources are required for basic, modified basic, <u>managers' specialty, caregivers' specialty, or nurse delegation core classroom training and testing?</u></p> <p>(1) Classroom space used for basic, modified basic, <u>managers' specialty, caregiver specialty, or nurse delegation core classroom training</u> must be accessible to trainees and provide adequate space for learning activities, comfort, lighting, lack of disturbance, and tools for effective teaching and <u>learning learning</u> such as white boards and flip charts. Appropriate supplies and equipment must be provided for teaching and practice of caregiving skills in the class being taught.</p>	Clarify two types of specialty; editing.

PERMANENT

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 43, Amended 0, Repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making:

New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 43, Amended 0, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.

July 10, 2002

Brian H. Lindgren, Manager
Rules and Policies

SECTION VII—CONTINUING EDUCATION

NEW SECTION

WAC 388-112-0200 What is continuing education?

Continuing education is additional caregiving-related training designed to increase and keep current a person's knowl-

edge and skills. DSHS does not pre-approve continuing education programs or instructors.

NEW SECTION

WAC 388-112-0205 How many hours of continuing education are required each year? (1) Individuals subject to a continuing education requirement must complete at least ten hours of continuing education each calendar year (January 1 through December 31) after the year in which they successfully complete basic or modified basic training.

(2) One hour of completed classroom instruction or other form of training (such as a video or on-line course) equals one hour of continuing education.

NEW SECTION

WAC 388-112-0210 What kinds of training topics are required for continuing education? Continuing education must be on a topic relevant to the care setting and care needs of residents, including but not limited to:

- (1) Resident rights;
- (2) Personal care (such as transfers or skin care);
- (3) Mental illness;
- (4) Dementia;
- (5) Developmental disabilities;
- (6) Depression;
- (7) Medication assistance;
- (8) Communication skills;
- (9) Positive resident behavior support;
- (10) Developing or improving resident centered activities;
- (11) Dealing with wandering or aggressive resident behaviors; and
- (12) Medical conditions.

NEW SECTION

WAC 388-112-0215 Is competency testing required for continuing education? Competency testing is not required for continuing education.

NEW SECTION

WAC 388-112-0220 May basic or modified basic training be completed a second time and used to meet the continuing education requirement? Re-taking basic or modified basic training may not be used to meet the continuing education requirement.

NEW SECTION

WAC 388-112-0225 May specialty training be used to meet continuing education requirements? Manager specialty training and caregiver specialty training, except any specialty training completed through a challenge test, may be used to meet continuing education requirements.

(1) If one or more specialty trainings are completed in the same year as basic or modified basic training, the specialty training hours may be applied toward the continuing

education requirement for up to two calendar years following the year of completion of the basic and specialty trainings.

(2) If one or more specialty trainings are completed in a different year than the year when basic or modified basic training was taken, the specialty training hours may be applied toward the continuing education requirement for the calendar year in which the specialty training is taken and the following calendar year.

NEW SECTION

WAC 388-112-0230 May nurse delegation core training be used to meet continuing education requirements? Nurse delegation training under WAC 388-112-0175 may be applied toward continuing education requirements for the calendar year in which it is completed.

NEW SECTION

WAC 388-112-0235 May residential care administrator training be used to meet continuing education requirements? Residential care administrator training under WAC 388-112-0275 may be used to meet ten hours of continuing education requirements.

NEW SECTION

WAC 388-112-0240 What are the documentation requirements for continuing education? (1) The adult family home or boarding home must maintain documentation of continuing education including:

- (a) The trainee's name;
 - (b) The title or content of the training;
 - (c) The instructor's name, name of the home or training entity giving the training, or the name of the video, on-line class, professional journal, or equivalent instruction materials completed;
 - (d) The number of hours of training; and
 - (e) The date(s) of training.
- (2) The trainee must be given an original certificate or other documentation of continuing education.

NEW SECTION

WAC 388-112-0245 Who is required to complete continuing education training, and when? Adult Family Homes

(1) Adult family home providers (including entity representatives as defined under chapter 388-76 WAC), resident managers, and caregivers must complete ten hours of continuing education each calendar year (January 1 through December 31) after the year in which they successfully complete basic or modified basic training.

(2) Continuing education must be on a topic relevant to the care setting and care needs of residents in adult family homes.

Boarding Homes

(3) Boarding home administrators (or their designees) and caregivers must complete ten hours of continuing educa-

tion each calendar year (January 1 through December 31) after the year in which they successfully complete basic or modified basic training. A boarding home administrator with a current nursing home administrator license is exempt from this requirement.

(4) Continuing education must be on a topic relevant to the care setting and care needs of residents in boarding homes.

SECTION VIII—CPR AND FIRST AID TRAINING

NEW SECTION

WAC 388-112-0250 What is CPR training? Cardio-pulmonary resuscitation (CPR) training is training that meets the content requirements in WAC 296-800-15010.

NEW SECTION

WAC 388-112-0255 What is first aid training? First aid training is training that meets the content requirements in WAC 296-800-15010.

NEW SECTION

WAC 388-112-0260 What are the CPR and first aid training requirements? Adult Family Homes

(1) Adult family home providers and resident managers must possess a valid CPR and first aid card or certificate prior to providing care for residents, and must maintain valid cards or certificates.

(2) Adult family home caregivers must obtain a valid CPR and first aid card or certificate:

(a) Within thirty days of beginning to provide care for residents, if the provision of care for residents is directly supervised by a fully qualified caregiver who has a valid first aid and CPR card or certificate; or

(b) Before providing care for residents, if the provision of care for residents is not directly supervised by a fully qualified caregiver who has a valid first aid and CPR card or certificate.

(3) Adult family home caregivers must maintain valid CPR and first aid cards or certificates.

Boarding Homes

(4) Boarding home administrators who provide direct care, and caregivers must possess a valid CPR and first aid card or certificate within thirty days of employment, and must maintain valid cards or certificates. Boarding home licensed nurses must possess a valid CPR card or certificate within thirty days of employment, and must maintain a valid card or certificate.

SECTION IX—RESIDENTIAL CARE ADMINISTRATOR TRAINING

NEW SECTION

WAC 388-112-0265 What is residential care administrator training? Residential care administrator training is a

minimum of forty-eight hours of training on topics related to the management of adult family homes. DSHS must approve residential care administrator training curricula.

NEW SECTION

WAC 388-112-0270 Who must take residential care administrator training and when? Before operating more than one adult family home, the provider (including an entity representative as defined under chapter 388-76 WAC) must successfully complete residential care administrator training.

NEW SECTION

WAC 388-112-0275 What knowledge and skills must residential care administrator training include? Minimally, residential care administrator training must have at least forty-eight hours of class time, and include all of the following:

- (1) Business planning and marketing;
- (2) Fiscal planning and management;
- (3) Human resource planning;
- (4) Resident health services;
- (5) Nutrition and food service;
- (6) Working with people who are elderly, chronically mentally ill, or developmentally disabled;
- (7) The licensing process;
- (8) Social and recreational activities;
- (9) Resident rights;
- (10) Legal issues;
- (11) Physical maintenance and fire safety; and
- (12) Housekeeping.

NEW SECTION

WAC 388-112-0280 Is competency testing required for residential care administrator training? Competency testing is not required for residential care administrator training.

NEW SECTION

WAC 388-112-0285 What documentation is required for residential care administrator training? (1) Residential care administrator training must be documented by a certificate of successful completion of training, issued by the instructor or training entity, that includes:

- (a) The trainee's name;
 - (b) The name of the training;
 - (c) The name of the training entity giving the training;
 - (d) The instructor's name and signature; and
 - (e) The date(s) of training.
- (2) The trainee must be given an original certificate. A copy of the certificate must be in the adult family home's files.

SECTION X—COMPETENCY TESTING**NEW SECTION**

WAC 388-112-0290 What is competency testing? Competency testing, including challenge testing, is evaluating a trainee to determine if they can demonstrate the required level of skill, knowledge, and/or behavior with respect to the identified learning outcomes of a particular course.

NEW SECTION

WAC 388-112-0295 What components must competency testing include? Competency testing must include the following components:

- (1) Skills demonstration of ability to perform and/or implement specific caregiving approaches, and/or activities as appropriate for the training;
- (2) Written evaluation to show level of comprehension and knowledge of the learning outcomes for the training; and
- (3) A scoring guide for the tester with clearly stated criteria and minimum proficiency standards.

NEW SECTION

WAC 388-112-0300 What training must include the DSHS-developed competency test? Basic, modified basic, manager specialty, caregiver specialty, and nurse-delegation core training must include the DSHS-developed competency test.

NEW SECTION

WAC 388-112-0305 How must competency test administration be standardized? To standardize competency test administration, testing must include the following components:

- (1) The person teaching the course must administer or supervise the administration of all testing; and
- (2) The tester must follow DSHS guidelines for:
 - (a) The maximum length of time allowed for testing;
 - (b) The amount and nature of instruction given to students before beginning a test;
 - (c) The amount of assistance to students allowed during testing;
 - (d) The accommodation guidelines for students with disabilities; and
 - (e) Accessibility guidelines for students with limited English proficiency.

NEW SECTION

WAC 388-112-0310 What form of identification must students provide before taking a competency or challenge test? Students must provide photo identification before taking a competency test (or challenge test, when applicable) for basic, modified basic, specialty, or nurse delegation training.

NEW SECTION

WAC 388-112-0315 How many times may a competency test be taken? (1) A competency test that is part of a course may be taken twice. If the test is failed a second time, the person must re-take the course before any additional tests are administered.

(2) If a challenge test is available for a course, it may be taken only once. If the test is failed, the person must take the classroom course.

SECTION XI—CURRICULUM APPROVAL**NEW SECTION**

WAC 388-112-0320 What trainings must be taught with a curriculum approved by DSHS? (1) The following trainings must be taught using the DSHS curriculum or other curriculum approved by DSHS:

- (a) Basic;
- (b) Modified basic;
- (c) Manager mental health, dementia, and developmental disabilities specialty training;
- (d) Caregiver specialty training in boarding homes; and
- (e) Any training that integrates basic training with a manager or caregiver specialty training.

(2) The residential care administrator training must use a curriculum approved by DSHS.

(3) The nurse delegation training must use only the DSHS curriculum.

(4) A curriculum other than the DSHS curriculum must be approved before it is used. An attestation that the curriculum meets all requirements under this chapter will be sufficient for initial approval. Final approval will be based on curriculum review, as described under WAC 388-112-0330.

NEW SECTION

WAC 388-112-0325 What are the minimum components that an alternative curriculum must include in order to be approved? In order to be approved, an alternative curriculum must at a minimum include:

- (1) All the DSHS-published learning outcomes and competencies for the course;
- (2) Printed student materials that support the curriculum, a teacher's guide or manual, and learning resource materials such as learning activities, audio-visual materials, handouts, and books;
- (3) The recommended sequence and delivery of the material;
- (4) The teaching methods or approaches that will be used for different sections of the course, including for each lesson:
 - (a) The expected learning outcomes;
 - (b) Learning activities that incorporate adult learning principles and address the learning readiness of the student population;
 - (c) Practice of skills to increase competency;
 - (d) Feedback to the student on knowledge and skills;
 - (e) An emphasis on facilitation by the teacher; and

(f) An integration of knowledge and skills from previous lessons to build skills.

(5) A list of the sources or references, if any, used to develop the curriculum;

(6) Methods of teaching and student evaluation for students with limited English proficiency and/or learning disabilities; and

(7) A plan for updating material. Substantial changes to a previously approved curriculum must be approved before they are used.

NEW SECTION

WAC 388-112-0330 What is the curriculum approval process? (1) An alternative curriculum must be submitted to DSHS for approval with:

(a) Identification of where each DSHS-published required learning outcome and competency is located in the alternate curriculum;

(b) All materials identified in WAC 388-112-0325; and

(c) A letter from the boarding home administrator or adult family home provider attesting that the training curriculum addresses all of the training competencies identified by DSHS;

(2) DSHS may approve a curriculum based upon the attestation in (1)(c) above, until it has been reviewed by DSHS;

(3) If, upon review by DSHS, the curriculum is not approved, the alternative curriculum may not be used until all required revisions have been submitted and approved by DSHS.

(4) After review of the alternative curriculum, DSHS will send a written response to the submitter, indicating approval or disapproval of the curriculum and if disapproved, the reasons for denial;

(5) If the alternative curriculum is not approved, a revised curriculum may be re-submitted to DSHS for another review.

SECTION XII—HOME-BASED TRAINING

NEW SECTION

WAC 388-112-0335 What are the requirements for a boarding home or adult family home that wishes to conduct basic, modified basic, manager specialty, or caregiver specialty training? (1) A boarding home or adult family home wishing to conduct basic, modified basic, manager specialty, or caregiver specialty training for boarding home caregivers may do so if the home:

(a) Verifies and documents that all instructors meet each of the minimum instructor qualifications for the course they plan to teach;

(b) Teaches using a complete DSHS-developed or approved alternative curriculum.

(c) Notifies DSHS in writing of the home's intent to conduct staff training prior to providing the home's first training, and when changing training plans, including:

(i) Home name;

(ii) Name of training(s) the home will conduct;

(iii) Name of curriculum(s) the home will use;

(iv) Name of lead instructor and instructor's past employment in boarding homes and adult family homes; and

(v) Whether the home will train only the home's staff, or will also train staff from other homes;

(d) Ensures that DSHS competency tests are administered as required under this chapter;

(e) Provides a certificate of completion of training to all staff that successfully complete the entire course, including:

(i) The trainee's name;

(ii) The name of the training;

(iii) The name of the home giving the training;

(iv) The instructor's name and signature; and

(v) The date(s) of training;

(f) Keeps a copy of student certificates on file for six years, and gives the original certificate to the trainee;

(g) Keeps attendance records and testing records of students trained and tested on file for six years; and

(h) Reports training data to DSHS in DSHS-identified time frames

(2) An adult family home wishing to conduct caregiver specialty training that is taught by the provider, resident manager, or person knowledgeable about the specialty area, as required under WAC 388-112-0110 subsection (3), must document the specialty training as provided under WAC 388-112-0155.

NEW SECTION

WAC 388-112-0340 Do homes need department approval to provide continuing education for their staff? Homes may provide continuing education for their staff without prior approval of curricula or instructors by the department.

NEW SECTION

WAC 388-112-0345 When can DSHS prohibit a home from conducting its own training? DSHS may prohibit a home from providing its own basic, modified basic, specialty, or caregiver specialty training when:

(1) DSHS determines that the training fails to meet the standards under this chapter;

(2) The home's instructor does not meet the applicable qualifications under WAC 388-112-0375 through 388-112-0395; or

(3) The home's instructor has been a licensee, boarding home administrator, or adult family home resident manager, as applicable, of any home subject to temporary management or subject to a revocation or summary suspension of the home's license, a stop placement of admissions order, a condition on the license related to resident care, or a civil fine of five thousand dollars or more, while the instructor was the licensee, administrator, or resident manager; or

(4) The home has been operated under temporary management or has been subject to a revocation or suspension of the home license, a stop placement of admissions order, a condition on the license related to resident care, or a civil fine

of five thousand dollars or more, within the previous twelve months.

(5) Nothing in this section shall be construed to limit DSHS' authority under chapters 388-76 or 388-78A WAC to require the immediate enforcement, pending any appeal, of a condition on the home license prohibiting the home from conducting its own training programs.

XIII—INSTRUCTOR APPROVAL

NEW SECTION

WAC 388-112-0350 What trainings must be taught by an instructor who meets the applicable minimum qualifications under this chapter? (1) The following trainings must be taught by an instructor who meets the applicable minimum qualifications for that training: Basic training; modified basic training; mental health, dementia, and developmental disability specialty training; and caregiver specialty training that is not taught by the boarding home administrator (or designee) or adult family home provider or resident manager.

(2) Nurse delegation training and residential care administrator training must be taught by an instructor who is approved by DSHS.

NEW SECTION

WAC 388-112-0355 What are an instructor's or training entity's responsibilities? The instructor or training entity is responsible for:

- (1) Coordinating and teaching classes,
- (2) Assuring that the curriculum used is taught as designed,
- (3) Selecting qualified guest speakers where applicable,
- (4) Administering or overseeing the administration of DSHS competency and challenge tests,
- (5) Maintaining training records including student tests and attendance records for a minimum of six years,
- (6) Reporting training data to DSHS in DSHS-identified time frames, and
- (7) Issuing or re-issuing training certificates to students.

NEW SECTION

WAC 388-112-0360 Must instructors be approved by DSHS? (1) DSHS-contracted instructors.

(a) DSHS must approve any instructor under contract with DSHS to conduct basic, modified basic, specialty, or nurse delegation core training classes using the training curricula developed by DSHS.

(b) DSHS may select contracted instructors through a purchased services contract procurement pursuant to chapter 236-48 WAC or through other applicable contracting procedures. Contractors must meet the minimum qualifications for instructors under this chapter and any additional qualifications established through a request for qualifications and quotations (RFQQ) or other applicable contracting procedure.

(2) Homes conducting their own training

Homes conducting their own training programs using the training curricula developed by DSHS or alternative curricula approved by DSHS must ensure that their instructors meet the minimum qualifications for instructors under this chapter.

(3) Other instructors

DSHS must approve all other instructors not described in subsection (1) and (2) of this section.

NEW SECTION

WAC 388-112-0365 Can DSHS deny or terminate a contract with an instructor or training entity? (1) DSHS may determine not to accept a bid or other offer by a person or organization seeking a contract with DSHS to conduct basic, modified basic, specialty, or nurse delegation core training classes using the training curricula developed by DSHS. The protest procedures under chapter 236-48 WAC, as applicable, are a bidder's exclusive administrative remedy. No administrative remedies are available to dispute DSHS' decision not to accept an offer that is not governed by chapter 236-48 WAC, except as may be provided through the contracting process.

(2) DSHS may terminate any training contract in accordance with the terms of the contract. The contractor's administrative remedies shall be limited to those specified in the contract.

NEW SECTION

WAC 388-112-0370 What is a guest speaker, and what are the minimum qualifications to be a guest speaker for basic and developmental disabilities specialty training? Guest speakers for basic and developmental disabilities specialty training teach a specific subject in which they have expertise, under the supervision of the instructor. A guest speaker must have as minimum qualifications, an appropriate background and experience that demonstrates that the guest speaker has expertise on the topic he or she will teach. The instructor must select guest speakers that meet the minimum qualifications, and maintain documentation of this background. DSHS does not approve guest speakers.

NEW SECTION

WAC 388-112-0375 What are the minimum general qualifications for an instructor teaching a DSHS curriculum or DSHS-approved alternate curriculum as defined under chapter 388-112 WAC? An instructor teaching a DSHS curriculum or DSHS-approved alternate curriculum must meet the following minimum general qualifications:

- (1) Twenty-one years of age; and
- (2) Has not had a professional health care or social services license or certification revoked in Washington state (however, no license or certification is required).

NEW SECTION

WAC 388-112-0380 What are the minimum qualifications for an instructor for basic or modified basic train-

ing? An instructor for basic or modified basic training must meet the following minimum qualifications in addition to the general instructor qualifications in WAC 388-112-0375:

- (1) Education and work experience:
 - (a) Upon initial approval or hire, must have:
 - (i) A high school diploma and one year of professional or caregiving experience within the last five years in an adult family home, boarding home, supported living through DDD per chapter 388-820 WAC, or home care setting; or
 - (ii) An associate degree in a health field and six months professional or caregiving experience within the last five years in an adult family home, boarding home, supported living through DDD per chapter 388-820 WAC, or home care setting.
 - (2) Teaching experience:
 - (a) Must have one hundred hours of experience teaching adults on topics directly related to the basic training; or
 - (b) Must have forty hours of teaching while being mentored by an instructor who meets these qualifications, and attend a class in adult education that meets the requirements of WAC 388-112-0400.
 - (3) The instructor must be experienced in caregiving practices and capable of demonstrating competency with respect to the course content or units being taught;
 - (4) Instructors who will administer tests must have experience or training in assessment and competency testing; and
 - (5) If required under WAC 388-112-0075 or 388-112-0105, instructors must successfully complete basic or modified basic training prior to beginning to train others.

NEW SECTION

WAC 388-112-0385 What are the minimum qualifications for instructors for manager and caregiver mental health specialty? (1) Instructors for manager mental health specialty training: The minimum qualifications for instructors for manager mental health specialty, in addition to the general qualifications in WAC 388-112-0375 include:

- (a) The instructor must be experienced in mental health caregiving practices and capable of demonstrating competency in the entire course content;
- (b) Education
 - (i) Bachelor's degree, registered nurse, or mental health specialist, with at least one year of education in seminars, conferences, continuing education, or in college classes, in subjects directly related to mental health, such as, but not limited to, psychology. (One year of education equals twenty-four semester hours, thirty-six quarter hours, or one hundred ninety-two hours of seminars, conferences, and continuing education.)
 - (ii) If required under WAC 388-112-0160, successful completion of the mental health specialty training, prior to beginning to train others.
- (c) Work experience - Two years full-time equivalent direct work experience with people who have a mental illness; and
- (d) Teaching experience
 - (i) Two hundred hours experience teaching mental health or closely related subjects; and

(ii) Successful completion of an adult education class or train the trainer as follows:

(A) For instructors teaching alternate curricula, a class in adult education that meets the requirements of WAC 388-112-0400, or a train the trainer class for the curriculum they are teaching;

(B) For instructors teaching DSHS-developed mental health specialty training, successful completion of the DSHS-developed train the trainer.

(e) Instructors who will administer tests must have experience or training in assessment and competency testing.

(2) Instructors for caregiver mental health specialty training:

(a) Caregiver mental health specialty may be taught by a boarding home administrator (or designee), adult family home provider, or corporate trainer, who has successfully completed the manager mental health specialty training. A qualified instructor under this subsection may teach caregiver specialty to caregivers employed at other home(s) licensed by the same licensee.

(b) Caregiver mental health specialty taught by a person who does not meet the requirements in subsection (2)(a) must meet the same requirements as the instructors for manager mental health specialty in subsection (1).

NEW SECTION

WAC 388-112-0390 What are the minimum qualifications for instructors for manager and caregiver dementia specialty? (1) The minimum qualifications for instructors for manager dementia specialty, in addition to the general qualifications under WAC 388-112-0375, include:

(a) The instructor must be experienced in dementia caregiving practices and capable of demonstrating competency in the entire course content;

(b) Education

(i) Bachelor's degree, registered nurse, or mental health specialist, with at least one year of education in seminars, conferences, continuing education or college classes, in dementia or subjects directly related to dementia, such as, but not limited to, psychology. (One year of education equals twenty-four semester hours, thirty-six quarter hours, or at least one hundred ninety-two hours of seminars, conferences, or continuing education.)

(ii) If required under WAC 388-112-0160, successful completion of the dementia specialty training, prior to beginning to train others.

(c) Work experience - Two years full-time equivalent direct work experience with people who have dementia; and

(d) Teaching experience

(i) Two hundred hours experience teaching dementia or closely related subjects; and

(ii) Successful completion of an adult education class or train the trainer as follows:

(A) For instructors teaching alternate curricula, a class in adult education that meets the requirements of WAC 388-112-0400, or a train the trainer class for the curriculum they are teaching;

(B) For instructors teaching DSHS-developed dementia specialty training, successful completion of the DSHS-developed train the trainer.

(d) Instructors who will administer tests must have experience or training in assessment and competency testing.

(2) Instructors for caregiver dementia specialty training:

(a) Caregiver dementia specialty may be taught by a boarding home administrator (or designee), adult family home provider, or corporate trainer, who has successfully completed the manager dementia specialty training. A qualified instructor under this subsection may teach caregiver specialty to caregivers employed at other home(s) licensed by the same licensee.

(b) Caregiver dementia specialty taught by a person who does not meet the requirements in subsection (2)(a) must meet the same requirements as the instructors for manager dementia specialty in subsection (1).

NEW SECTION

WAC 388-112-0395 What are the minimum qualifications for instructors for manager and caregiver developmental disabilities specialty? (1) The minimum qualifications for instructors for manager developmental disabilities specialty, in addition to the general qualifications under WAC 388-112-0375, include:

(a) Education and work experience:

(i) Bachelor's degree with at least two years of full-time work experience in the field of disabilities; or

(ii) High school diploma or equivalent, with four years full time work experience in the field of developmental disabilities, including two years full time direct work experience with people who have a developmental disability.

(b) Successful completion of developmental disabilities specialty training under WAC 388-112-0120; and

(c) Teaching experience:

(i) Two hundred hours of teaching experience; and

(ii) Successful completion of adult education or train the trainer as follows:

(A) For instructors teaching alternative curricula, a class in adult education that meets the requirements of WAC 388-112-0400, or a train the trainer class for the curriculum they are teaching;

(B) For instructors teaching DSHS-developed developmental disabilities specialty training, successful completion of the DSHS-developed train the trainer.

(d) Instructors who will administer tests must have experience in assessment and competency testing.

(2) Instructors for caregiver developmental disabilities specialty training:

(a) Caregiver developmental disabilities specialty may be taught by a boarding home administrator (or designee), adult family home provider, or corporate trainer, who has successfully completed the manager developmental disabilities specialty training. A qualified instructor under this subsection may teach caregiver specialty to caregivers employed at other home(s) licensed by the same licensee.

(b) Caregiver developmental disabilities specialty taught by a person who does not meet the requirements in subsection

(2)(a) must meet the same requirements as the instructors for manager developmental disabilities specialty in subsection (1).

NEW SECTION

WAC 388-112-0400 What must be included in a class on adult education? A class on adult education must include content, student practice, and evaluation of student skills by the instructor in:

(1) Adult education theory and practice principles;

(2) Instructor facilitation techniques;

(3) Facilitating learning activities for adults;

(4) Administering competency testing; and

(5) Working with adults with special training needs (for example, English as a second language or learning and literacy issues).

SECTION XIV—PHYSICAL RESOURCES AND STANDARD PRACTICES FOR TRAINING

NEW SECTION

WAC 388-112-0405 What physical resources are required for basic, modified basic, specialty, or nurse delegation core classroom training and testing? (1) Classroom space used for basic, modified basic, specialty, or nurse delegation core classroom training must be accessible to trainees and provide adequate space for learning activities, comfort, lighting, lack of disturbance, and tools for effective teaching and learning such as white boards and flip charts. Appropriate supplies and equipment must be provided for teaching and practice of caregiving skills in the class being taught.

(2) Testing sites must provide adequate space for testing, comfort, lighting, and lack of disturbance appropriate for the written or skills test being conducted. Appropriate supplies and equipment necessary for the particular test must be provided.

NEW SECTION

WAC 388-112-0410 What standard training practices must be maintained for basic, modified basic, specialty, or nurse delegation core classroom training and testing? The following training standards must be maintained for basic, modified basic, specialty or nurse delegation core classroom training and testing:

(1) Training, including all breaks, must not exceed eight hours within one day;

(2) Training provided in short time segments must include an entire unit, skill or concept;

(3) Training must include regular breaks; and

(4) Students attending a classroom training must not be expected to leave the class to attend to job duties, except in an emergency.

AMENDATORY SECTION (Amending WSR 99-15-067, filed 7/19/99, effective 8/19/99)

WAC 388-78A-050 Staff. (1) The licensee shall:

- (a) Develop and maintain written job descriptions for the administrator and each staff position;
- (b) Verify work references;
- (c) Verify required credentialing is current and in good standing for licensed and certified staff;
- (d) Document and retain weekly staffing schedules, as planned and worked, for the last twelve months;
- (e) Provide sufficient, trained staff in each boarding home to:
 - (i) Furnish the services and care needed by residents;
 - (ii) Maintain the boarding home free of safety hazards; and
 - (iii) Implement fire and disaster plans;
- (f) Assure one or more resident-care staff eighteen years of age or older, with current cardiopulmonary resuscitation and first-aid cards, is present to assist residents at all times:
 - (i) On the boarding home premises when one or more residents are present;
 - (ii) Off the boarding home premises during boarding home activities; and
 - (iii) When staff transport a resident;
- (g) Assure staff provide "on-premises" supervision when any resident is working for, or employed by, the boarding home; and
- (h) Provide staff orientation and appropriate training for expected duties, including:
 - (i) Organization of boarding home;
 - (ii) Physical boarding home layout;
 - (iii) Specific duties and responsibilities; and
 - (iv) Policies, procedures, and equipment necessary to perform duties.

(2) The licensee shall ensure that the administrator and staff complete any training required under chapter 388-112 WAC.

(3) The licensee shall, in addition to following WISHA requirements, protect residents from tuberculosis by requiring each staff person to have, upon employment:

- (a) A tuberculin skin test by the Mantoux method, unless the staff person:
 - (i) Documents a previous positive Mantoux skin test, which is ten or more millimeters of induration read at forty-eight to seventy-two hours;
 - (ii) Documents meeting the requirements of this subsection within the six months preceding the date of employment; or
 - (iii) Provides a written waiver from the department or authorized local health department stating the Mantoux skin test presents a hazard to the staff person's health;
- (b) A second test one to three weeks after a negative Mantoux skin test for staff thirty-five years of age or older;
- (c) A chest x-ray within seven days of any positive Mantoux skin test.

~~((3))~~ (4) The licensee shall report positive chest x-rays to the appropriate public health authority, and follow precautions ordered by a physician or public health authority.

~~((4))~~ (5) The licensee shall retain records of tuberculin test results, reports of x-ray findings, exceptions, physician or public health official orders, and waivers in the boarding home.

~~((5))~~ The licensee shall assure that all resident care staff including those transporting residents and supervising resident activities, except licensed staff whose professional training exceeds first responder training, have within thirty days of employment:

(a) ~~Current cardiopulmonary resuscitation cards from instructors certified by:~~

- ~~(i) American Red Cross;~~
 - ~~(ii) American Heart Association;~~
 - ~~(iii) United States Bureau of Mines; or~~
 - ~~(iv) Washington state department of labor and industries;~~
- and

~~(b) Current first aid cards from instructors certified as in (a) of this subsection, except nurses do not need first aid cards.)~~

(6) The licensee shall restrict a staff person's contact with residents when the staff person has a known communicable disease in the infectious stage which is likely to be spread in the boarding home setting or by casual contact.

(7) The licensee shall assure any staff person suspected or accused of abuse does not have access to any resident until the licensee investigates and takes action to assure resident safety to the satisfaction of the department.

(8) The licensee shall not interfere with the investigation of a complaint, coerce a resident, or conceal evidence of alleged improprieties occurring within the boarding home.

(9) The licensee shall prohibit an employee from being directly employed by a resident or a resident's family during the hours the employee is working for the boarding home.

(10) The licensee shall maintain the following documentation on the boarding home premises, during employment, and at least two years following termination of employment:

- (a) Staff orientation and training pertinent to duties, including but not limited to cardiopulmonary resuscitation, first-aid, tuberculin skin testing and HIV/AIDS training;
- (b) Criminal history disclosure and background checks as required in WAC 388-78A-045; and
- (c) Verification of contacting work references and professional licensing and certification boards as required by subsection (1) of this section.

WSR 02-15-067

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed July 11, 2002, 4:36 p.m., effective August 1, 2002]

Date of Adoption: July 10, 2002.

Purpose: The Division of Employment and Training Assistance Programs is adopting these rules necessary to implement the sixty-month time limit statute for TANF/SFA cases, RCW 74.08A.010. Amended rules include WAC 388-310-1600 WorkFirst—Sanctions, 388-310-1000 Work-

First—Vocational education, 388-310-1050 WorkFirst job skills training, 388-310-1700 WorkFirst—Self employment, 388-310-1800 WorkFirst—Post employment services, 388-310-0200 WorkFirst—Activities, 388-310-0400 WorkFirst—Entering the WorkFirst program, 388-310-0500 WorkFirst—Individual responsibility plan, 388-310-0600 WorkFirst—Job search, and 388-310-0900 WorkFirst—Basic education.

Citation of Existing Rules Affected by this Order: Amending WAC 388-310-0200, 388-310-0400, 388-310-0500, 388-310-0600, 388-310-0900, 388-310-1000, 388-310-1050, 388-310-1600, 388-310-1700, and 388-310-1800.

Statutory Authority for Adoption: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050.

Adopted under notice filed as WSR 02-09-075, 02-09-076, and 02-09-077 on April 16, 2002.

Changes Other than Editing from Proposed to Adopted Version: **WAC 388-310-1600:**

(2)(c) After "we will" deleted "have to" and inserted "make sure you have been screened for family violence and";

(2)(d) Added a new second sentence: "If you have been unable to meet your WorkFirst requirements because of family violence, you and your case manager will develop an IRP to help you with your situation, including referrals to appropriate agencies.";

(6) Added after "when" the words "you are"; and

(6)(a) Added after "until you" the words "or the household member."

WAC 388-310-0200:

(1)(k) Deleted "; and/or";

(1)(l) Deleted "family violence" after "such as"; and

Added new "(1)(m) Activities identified by your case manager on your individual responsibility plan to help you cope with family violence as defined in WAC 388-61-001."

WAC 388-310-0400:

(1) Added after "(See WAC 388-310-0500)" the words ", which is written after the case manager asks you a series of questions about your situation to evaluate your employability.";

(1) Added after the sentence ending "develop your IRP with you." a new sentence "If you have been identified as a victim of family violence (defined in WAC 388-61-001), you and your case manager will develop an IRP to help you with your situation, including referrals to appropriate services.";

(1)(a), (b), (d), and (f), at the end of each subsection deleted the word "or";

(1)(g) Deleted the word "special", and changed the last sentence in parentheses to read "(For example, you may be able to look for job while you have health problems or you are homeless.)" deleting the words "or you" and "and/or dealing with family violence."; and

Added new "(1)(h) Your situation prevents you from looking for work because you are a victim of family violence and you are conducting activities on your IRP to help you with your situation."

WAC 388-310-0600:

(6) Deleted "for an" after "case manager" and inserted "who will conduct a new".

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 10, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 10, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The August 1, 2002, effective date is required by the TANF sixty-month statute, RCW 74.08A.010(1), that states "A family that includes an adult who has received temporary assistance for needy families for sixty months after July 27, 1997, shall be ineligible for further assistance for needy family assistance." This provision takes effect July 27, 2002. Adoption of these rules is required to implement exemptions in statute described in RCW 74.08.010. The earlier effective date is also necessary because of imminent peril to the public health, safety and welfare. To delay would cause needy TANF clients and their children to be cut off from benefits.

Effective Date of Rule: August 1, 2002.

July 10, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-10-027, filed 4/28/99, effective 5/29/99)

WAC 388-310-1600 WorkFirst—Sanctions. (1) ~~What ((is a sanction and when is it used))~~ **WorkFirst requirements do I have to meet?**

~~((A sanction is a penalty that alters your grant when you refuse to:~~

~~(a) Give the department the information we need to develop your individual responsibility plan;~~

~~(b) Come to scheduled appointments with people who provide WorkFirst services or activities;~~

~~(c) Do all of the activities listed on your individual responsibility plan; or~~

~~(d) Accept paid employment that meets the criteria in WAC 388-310-1500.~~

~~(2) What happens once I do not provide information, go to an appointment, follow my individual responsibility plan or accept a job?~~

~~If you do not provide information, go to an appointment, follow up on your individual responsibility plan or accept a job, your case manager or social worker will send you a notice to set up an appointment so they can talk to you about the situation. If they are unable to contact you, they will use the information already on hand to find out why you did not~~

follow through with the required activity. Then, your case manager will decide whether:

- (a) You were unable to do what was required; or
 - (b) You were able, but refused, to do what was required.
- (3) What is considered a good reason for not being able to do what WorkFirst requires?

You have a good reason if it was not possible to follow through on a required activity due to an event outside of your control. Some examples of good reasons may include:

- (a) You, your children or other family members were ill;
- (b) Your transportation or child care arrangements broke down and you could not make new arrangements in time to comply;

(c) You could not locate child care, for your children under thirteen years, that was:

(i) Affordable (did not cost you more than your co-payment would under the working connections child care program in WAC 388-290);

(ii) Appropriate (licensed, certified or approved under federal, state or tribal law and regulations for the type of care you use and you were able to choose, within locally available options, who would provide it); and

(iii) Within a reasonable distance (within reach without traveling farther than is normally expected in your community);

(d) You could not locate other care services for an incapacitated person who lives with you and your children;

(e) You had a physical, mental or emotional condition, confirmed by a licensed health care professional, that interfered with your ability to participate;

(f) A significant person in your life died;

(g) You were threatened with or subjected to family violence;

(h) You had an immediate legal problem, such as an eviction notice; or

(i) You did not get notice telling you about our information request, an appointment or a requirement on your individual responsibility plan.

(4) What if my case manager decides that I refused to meet WorkFirst requirements without good reason?

If your case manager decides you refused to meet WorkFirst requirements without good reason, they will send you a notice that tells you:

- (a) What you refused to do;
- (b) You will be sanctioned (a penalty will be applied to your grant);

(c) When the sanction starts;

(d) How to request a fair hearing if you disagree with this decision; and

(e) How to end the sanction.

(5) What are the penalties to my grant?

The following penalties are applied to your grant for anyone who is sanctioned in your household:

(a) In the first month, we calculate your family's grant and then remove the noncompliant person(s) share of the grant.

(b) In the second month, your reduced grant will be sent to a protective payee every month until the sanction is lifted. (WAC 388-460-0001 describes the protective payee rules.)

(e) In the third and following months, your grant is reduced by the person(s) share or forty percent, whichever is more.

(6) How do I stop (or end) the sanction?

To end your sanction:

(a) You must provide the information we requested to develop your individual responsibility plan; and/or

(b) Start and continue to do your required WorkFirst activities:

(c) Your grant will be restored after two weeks of participation, beginning with the day you began doing your required activities.

(7) What happens if I get sanctioned again after my sanction has been stopped?

If you are sanctioned again, the sanction process will start again.

(8) What if I reapply for TANF, SFA or GA S and I was in sanction when my case closed?

You are still sanctioned at the level which was in effect when your case closed until you cure your sanction)) You must do the following when you are a mandatory WorkFirst participant:

(a) Give the department the information we need to develop your individual responsibility plan (see WAC 388-310-0500);

(b) Show that you are participating fully to meet all of the requirements listed on your individual responsibility plan;

(c) Go to scheduled appointments listed in your individual responsibility plan;

(d) Follow the participation and attendance rules of the people who provide your assigned WorkFirst services or activities; and

(e) Accept available paid employment when it meets the criteria in WAC 388-310-1500.

(2) What happens if I don't meet WorkFirst requirements?

(a) If you do not meet WorkFirst requirements, we will send you a letter telling you what you did not do.

(b) You will have ten days to contact us so we can talk with you about the situation. You can contact us in writing, by phone, by going to the appointment described in the letter, or by asking for an individual appointment.

(c) If you do not contact us within ten days, we will make sure you have been screened for family violence and use existing information to decide whether:

(i) You were unable to do what was required; or

(ii) You were able, but refused, to do what was required.

(d) If you had a good reason not to do a required activity we will work with you and, if needed, change the requirements in your individual responsibility plan. If you have been unable to meet your WorkFirst requirements because of family violence, you and your case manager will develop an IRP to help you with your situation, including referrals to appropriate services.

(3) What is considered a good reason for not being able to do what WorkFirst requires?

You have a good reason if it was not possible to do what WorkFirst requires due to a significant problem or event outside your control. Some examples of good reasons include:

(a) You had an emergent physical, mental or emotional condition, confirmed by a licensed health care professional that interfered with your ability to participate;

(b) You were threatened with or subjected to family violence;

(c) You could not locate child care for your children under thirteen years that was:

(i) Affordable (did not cost you more than your co-payment would under the working connections child care program in chapter 388-290 WAC);

(ii) Appropriate (licensed, certified or approved under federal, state or tribal law and regulations for the type of care you use and you were able to choose, within locally available options, who would provide it); and

(iii) Within a reasonable distance (within reach without traveling farther than is normally expected in your community).

(iv) You could not locate other care services for an incapacitated person who lives with you and your children.

(d) You had an immediate legal problem, such as an eviction notice; or

(e) You are a person who gets necessary supplemental accommodation (NSA) services under chapter 388-472 WAC and your limitation kept you from participating. If you have a good reason because you need NSA services, we will review your accommodation plan.

(4) What if we decide that you did not have a good reason for failing to meet WorkFirst requirements?

If we decide that you did not have a good reason for failing to meet WorkFirst requirements, we will send you a letter that tells you:

(a) What you failed to do;

(b) That you are in sanction status;

(c) Penalties that will be applied to your grant;

(d) When the penalties will be applied;

(e) How to request a fair hearing if you disagree with this decision; and

(f) How to end the penalties and get out of sanction status.

(5) What is sanction status?

When you are a mandatory WorkFirst participant, you must follow WorkFirst requirements to qualify for your full grant. If you or someone else on your grant doesn't comply and you can't prove that you had a good reason, you do not qualify for your full grant. This is called being in WorkFirst sanction status.

(6) Are there penalties when you or someone in my household goes into sanction status?

(a) When someone in your household is in sanction status, we impose penalties. The penalties last until you or the household member meet WorkFirst requirements.

(b) There are three penalty levels:

(i) Level one: We calculate your family's grant and then remove the noncompliant person(s) share of the grant;

(ii) Level two: Your reduced grant (removing the non-compliant person's share) will be sent to a protective payee every month until you get out of sanction status. (WAC 388-460-0001 describes the protective payee rules.)

(iii) Level three: Your grant is reduced by the person(s) share or forty percent, whichever is more and your reduced grant will be sent to a protective payee until you get out of sanction status.

(c) The penalties change depending on how long you have been in sanction status and how many time you have been in sanction status:

(i) The first time you go into sanction your penalties will start at level one. If you are still in sanction after three months, you will go to level two. If you are still in sanction after another three months, you will go to level three.

(ii) The second time you are in sanction, your penalties start at level two and changes to level three after three months.

(iii) After three or more times in sanction, you start at level three.

(d) If you are in sanction status on August 1, 2002, your penalties will start at level one, two, or three depending on how long you have been in sanction status. This will be considered your first sanction.

(7) How do I end the penalties and get out of sanction status?

To stop the penalties and get out of sanction status:

(a) You must provide the information we requested to develop your individual responsibility plan; and/or

(b) Start and continue to do your required WorkFirst activities, as follows:

(i) For two weeks in a row if you are in level one of sanction;

(ii) For four weeks in a row if you are in level two or three of sanction.

(c) When you leave sanction status, your grant will be restored beginning with the day you began doing your required activities.

(8) What if I reapply for TANF or SFA and I was in sanction status when my case closed?

(a) If your case closes while you are in sanction status and is reopened in six months or less, you will start out in sanction where you were when the case was closed.

(b) If your case has been closed for more than six months, you will not be in sanction status if your case is reopened.

AMENDATORY SECTION (Amending WSR 01-15-009, filed 7/6/01, effective 8/6/01)

WAC 388-310-1000 WorkFirst—Vocational education. (1) What is vocational education?

Vocational education is training that leads to a degree or certificate in a specific occupation and is offered by an accredited:

(a) Public and private technical college or school;

(b) Community college; or

(c) Tribal college.

(2) When can vocational education be included in my individual responsibility plan?

We may add vocational education to your individual responsibility plan for up to twelve months if:

(a) You are working twenty or more hours a week in paid unsubsidized work; or

(b) You are working sixteen or more hours per week in a federal or state work-study position; or

(c) You are working in a subsidized job, like a community jobs position, at least twenty hours per week; or

(d) Employment security department (ESD) has determined that you are a seasonal worker (that is, your ~~((normal way-of-life))~~ usual pattern of employment is based on a recurring cycle of seasonal employment). Under WorkFirst, seasonal workers qualify for full-time education and training during the off season; or

~~((e))~~ (e) You are in an internship or practicum for up to twelve months that is paid or unpaid and required to complete a course of vocational training or to obtain a license or certificate in a high demand field, as determined by the employment security department; or

~~((d))~~ (f) You have limited-English proficiency and you lack job skills that are in demand for entry level jobs in your area; and the vocational education program is the only way that you can acquire the job skills you need to qualify for entry level jobs in your area (because there is no available work experience, preemployment training or on-the-job training that can teach you these skills).

(3) Can I get help with paying the costs of vocational education?

WorkFirst ~~((will))~~ may pay for the costs of your vocational education, such as tuition or books, for up to twelve months, if vocational education is in your individual responsibility plan and there is no other way to pay them. You ~~((can))~~ may also get help with paying your child care costs through the working connections child care program. (See chapter 388-290 WAC for the working connections child care program rules.)

AMENDATORY SECTION (Amending WSR 01-15-009, filed 7/6/01, effective 8/6/01)

WAC 388-310-1050 WorkFirst—Job skills training.

(1) What is job skills training?

Job skills training is training in specific skills directly related to employment, but not tied to a specific occupation. Job skills training programs are generally short-term, but differ in ~~((how long the course lasts,))~~ what skills are taught and who provides the training. The training may be offered by the following types of organizations that meet the WorkFirst program's standards for service providers:

- (a) Community based organizations;
- (b) Businesses;
- (c) Tribal governments; or
- (d) Public and private community and technical colleges.

(2) When can job skills training be included in my individual responsibility plan?

We may add job skills training in your individual responsibility plan ~~((for the same reasons we would add vocational education. That is))~~ if:

(a) You are working twenty or more hours a week in paid unsubsidized work; or

(b) You are working sixteen or more hours per week in a federal or state work-study position; or

(c) You are working in a subsidized job, like a community jobs position, at least twenty hours per week; or

(d) Employment security department (ESD) has determined that you are a seasonal worker (that is, your ~~((normal way-of-life))~~ usual pattern of employment is based on a recurring cycle of seasonal employment). Under WorkFirst, seasonal workers qualify for full-time education and training during the off season; or

~~((e))~~ ~~You are in an internship or practicum for up to twelve months that is paid or unpaid and required to complete a course of vocational training or to obtain a license or certificate in a high demand field, as determined by the employment security department~~; or

~~((d))~~ (e) You lack job skills that are in demand for entry level jobs in your area~~((;)), and~~

~~((e))~~ ~~The job skills training program is the only way you can acquire the job skills you need to qualify for entry level jobs in your area (because there is no available work experience, preemployment training, or on-the-job training that can teach you these skills))~~ the job skills training is short-term and is combined with job search.

(3) Can I get help with paying the costs of job skills training?

WorkFirst ~~((will))~~ may pay your costs, such as tuition or books, if job skills training is in your individual responsibility plan and there is no other way to pay them. You ~~((can))~~ may also get help with paying your child care costs through the working connections child care program. (See chapter 388-290 WAC for the working connections child care program rules.)

AMENDATORY SECTION (Amending WSR 99-10-027, filed 4/28/99, effective 5/29/99)

WAC 388-310-1700 WorkFirst—Self-employment.

(1) What is self-employment?

When you work for yourself and do not have an employer, you are self-employed.

(2) When can I be deferred from job search to pursue self-employment?

(a) To be deferred from job search for self-employment, you must meet all the conditions below:

(i) You must be working at least ~~((twenty))~~ thirty-two hours a week at your business;

(ii) Your business must generate income for you that is equal to the minimum wage (state or federal, whichever is higher) times ~~((twenty))~~ thirty-two hours per week after your business expenses are subtracted.

(iii) Your case manager will refer you to a local business resource center, and they must approve your self-employment plan;

(b) If you do not meet all these conditions, you can still be self-employed, but you will also need to participate in job search or other WorkFirst activities.

(3) What self-employment services can I get?

If you are a mandatory participant and have an approved self-employment plan in your individual responsibility plan, you may get the following self-employment services:

- (a) A referral to community resources for technical assistance with your business plan.
- (b) Small business training courses through local community organizations or technical and community colleges.
- (c) Information on affordable credit, business training and ongoing technical support.

(4) What support services may I receive?

If you have an approved self-employment plan in your individual responsibility plan all support services are available.

(5) Can I get childcare?

Childcare is available if you have an approved self-employment plan in your individual responsibility plan. (See chapter 388-290 WAC for working connections child care rules.)

AMENDATORY SECTION (Amending WSR 00-16-055, filed 7/26/00, effective 8/1/00)

WAC 388-310-1800 WorkFirst—Post employment services. (1) What is the purpose of post employment services?

Post employment services help low-income parents who are working twenty hours or more a week keep and cope with their current jobs, look for better jobs, gain work skills for a career and become self sufficient.

(2) How do I obtain post employment services?

- (a) You can obtain post employment services by:
 - (i) Asking for a referral from the local community service office;
 - (ii) Contacting community or technical colleges; or
 - (iii) Contacting the employment security department. Employment security department staff may also telephone you if you got a job while you were on TANF or SFA to see if you are interested in receiving these services.

(b) You may qualify for different services (from various state or federal programs) depending on whether you:

- (i) Are a mandatory participant (that is, you currently receive TANF(,) or SFA ((~~or GA-S~~)) benefits);
- (ii) Used to receive TANF or SFA benefits; or
- (iii) Have never been on TANF or SFA.

(3) Who provides post employment services and what kind of services do they provide?

(a) ~~((You may be assigned to a job success coach, or similar services. Job success services must be delivered in accordance with the equitable access to Indians requirements in state law (in RCW 74.08A.040). The job success coach is a person who will work with you to increase your success in the workplace. The purpose of the job success coach, or similar post employment services, is to:~~

- ~~(i) Help you resolve problems with your employer;~~
- ~~(ii) Help you adjust to your workplace;~~
- ~~(iii) Provide job coaching;~~
- ~~(iv) Provide mentoring;~~
- ~~(v) Increase your job skills;~~

~~(vi) Help you develop the skills you need to keep your job;~~

~~(vii) Create steps to help you increase your wages; and/or~~

~~(viii) Develop educational activities to promote wage progression.~~

~~(b))~~ The employment security department can help you increase your wages, increase your job skills or find a better job by providing you with:

- (i) Employment and career counseling;
- (ii) Labor market information;
- (iii) Job leads for a better job (sometimes called job development);
- (iv) On the job training;
- (v) Help with finding a job that matches your interests, abilities and skills (sometimes called job matching); and
- (vi) Help with finding a new job after job loss (sometimes called reemployment).

~~((e))~~ ~~(b)~~ Any Washington state technical and community college can approve a skill-training program for you that will help you advance up the career ladder. Their staff will talk to you, help you decide what training would work best for you and then help you get enrolled in these programs. The college may approve the following types of training for you at any certified institution:

- (i) High school/GED,
- (ii) Vocational education training,
- (iii) Job skills training,
- (iv) Adult basic education,
- (v) English-as-a-Second language training, or
- (vi) Pre-employment training.

(4) What other services are available while you receive post employment services?

While you receive post employment services, you may qualify for:

(a) Working connections childcare if you meet the criteria for this program (described in chapter 388-290 WAC). ~~((To qualify, you must also be in an approved post employment service and your family's income cannot exceed one hundred seventy five percent of the federal poverty level.))~~

(b) Other support services, such as help in paying for transportation or work expenses.

(c) Other types of assistance for low-income families such as food stamps, medical assistance or help with getting child support that is due to you and your children.

(5) Who is eligible for post employment service, support services and childcare?

You may qualify for post-employment services, support services and child care if you are working twenty hours or more a week, and:

(a) You are current TANF or SFA recipient. You qualify for:

- (i) All types of post employment services, unless you are in sanction status;
- (ii) Tuition assistance from the community and technical college system;
- (iii) WorkFirst support services; and
- (iv) Working connections childcare.

(b) You are a former TANF or SFA recipient. You qualify for:

(i) Employment retention services (help with keeping a job) for up to twenty-four months after exiting TANF or SFA.

(ii) Wage and skill progression services (help with finding a better job and/or obtaining better wages) for up to twenty four months after exiting TANF or SFA.

(iii) Tuition assistance or pre-employment training from the community and technical college system;

(iv) Working connections childcare assistance; and/or

(v) WorkFirst support services for up to twelve months after exiting TANF or SFA.

(c) You are a low wage earner (that is, your family income does not exceed one hundred seventy-five percent of the federal poverty level) who has never received TANF or SFA benefits, and are in a community or technical college-approved skill training program. You may qualify for:

(i) Tuition assistance or pre-employment training from the community and technical college system; or

(ii) Working connections child care while you are in training or school for up to a total of thirty six months.

(6) What if I lose my job while I am receiving post employment services?

If you now receive or used to receive TANF or SFA, help is available to you for up to four weeks so that you can find another job and continue in your approved post employment.

(a) The employment security department will provide you with re-employment services.

(b) At the same time, your case manager can approve up to four weeks of support services and childcare for you.

AMENDATORY SECTION (Amending WSR 00-16-055, filed 7/26/00, effective 8/1/00)

WAC 388-310-0200 WorkFirst—Activities. (1) Who is required to participate in WorkFirst activities?

(a) You are required to participate in WorkFirst activities, and become what is called a "mandatory participant," if you:

(i) Receive TANF or SFA cash assistance; and

(ii) Are a custodial parent or age sixteen or older; and

(iii) Are not exempt. ~~((You can only get this exemption if you are caring for your child under three months of age.))~~ For exemptions see WAC 388-310-0300 ~~((for more details.))~~ and 388-310-0350.

(b) Participation is voluntary for all other WorkFirst participants (those who no longer receive or have never received TANF or SFA cash assistance).

(2) What activities do I participate in when I enter the WorkFirst program?

When you enter the WorkFirst program, you will participate in one or more of the following activities (which are described in more detail in other sections of this chapter):

(a) Paid employment (see WAC 388-310-0400 (2)(a) and 388-310-1500);

(b) Self employment (see WAC 388-310-1700);

(c) Job search (see WAC 388-310-0600);

(d) Community jobs (see WAC 388-310-1300)

(e) Work experience (see WAC 388-310-1100);

(f) On-the-job training (see WAC 388-310-1200);

(g) Vocational educational training (see WAC 388-310-1000);

(h) Basic education activities (see WAC 388-310-0900);

(i) Job skills training (see WAC 388-310-1050);

(j) Community service (see WAC 388-310-1400); ~~((and/or))~~

(k) Activities provided by tribal governments for tribal members and other American Indians (see WAC 388-310-1400(1) and 388-310-1900);

(l) Other activities identified by your case manager on your individual responsibility plan that will help you with situations such as drug and/or alcohol abuse, homelessness, or mental health issues; and/or

(m) Activities identified by your case manager on your individual responsibility plan to help you cope with family violence as defined in WAC 388-61-001.

(3) If I am a mandatory participant, how much time must I spend doing WorkFirst activities?

If you are a mandatory participant, you will be required to ~~((spend up to forty hours a week))~~ participate full-time, working, looking for work or preparing for work. You might be required to participate in more than one part-time activity at the same time that add up to full-time participation. You will have an individual responsibility plan (described in WAC 388-310-0500) that includes the ~~((number of hours a week that you are required to participate))~~ specific activities and requirements of your participation.

(4) What activities do I participate in after I get a job?

You ~~((may))~~ will participate in other activities, ~~((which are called "post employment services" (described in WAC 388-310-1800)))~~ such as job search or training once you are working twenty hours or more a week ~~((Work can include a paid, unsubsidized job, self-employment, college work study or a subsidized job like a community jobs placement. Post employment services))~~ in a paid unsubsidized job, to bring your participation up to full-time.

You may also engage in activities if you are working full-time and want to get a better job.

Post employment services (described in WAC 388-310-1800) include:

(a) Activities that help you keep a job (called an "employment retention" service); and/or

(b) Activities that help you get a better job or better wages (called a "wage and skill progression" service).

AMENDATORY SECTION (Amending WSR 00-06-062, filed 3/1/00, effective 3/1/00)

WAC 388-310-0400 WorkFirst—Entering the WorkFirst program as a mandatory participant. (1) What happens when I enter the WorkFirst program as a mandatory participant?

If you are a mandatory participant, ~~((WorkFirst requires you to look for a job as your first activity unless you are temporarily deferred from job search.))~~ you must follow instruc-

tions as written in your individual responsibility plan (see WAC 388-310-0500) ~~((while you are in job search.~~

~~(2) Are there any reasons why I might be temporarily deferred from looking for a job?), which is written after the case manager asks you a series of questions about your situation to evaluate your employability. If you have been identified as someone who needs necessary supplemental accommodation (NSA) services (defined in chapter 388-472 WAC) your case manager will first develop an accommodation plan to help you access WorkFirst services. The case manager will use the accommodation plan to help develop your IRP with you. If you have been identified as a victim of family violence (defined in WAC 388-61-001), you and your case manager will develop an IRP to help you with your situation, including referrals to appropriate services.~~

If you are a mandatory participant, your case manager will ~~((ask if you have any reasons why you cannot go to job search. You may be temporarily deferred from looking for a job for any of the following reasons)) refer you to job search activities unless any of the following applies to you:~~

(a) You work ~~((twenty))~~ thirty-two or more hours a week. "Work" means to engage in any legal, income generating activity which is taxable under the United States Tax Code or which would be taxable with or without a treaty between an Indian Nation and the United States; ~~((or))~~

(b) You work sixteen or more hours a week in the federal or state work study program and you attend a Washington state community or technical college at least half-time; ~~((or))~~

(c) You work twenty or more hours a week in unsubsidized employment and attend a Washington state community or technical college at least half-time;

(d) You are under the age of eighteen, have not completed high school, GED or its equivalent and are in school full-time; ((or))

~~((d))~~ (e) You are eighteen or nineteen years of age and are attending high school or an equivalent full-time; ((or

(f) You are pregnant or have a child under the age of twelve months, and are participating in other pregnancy to employment activities. See WAC 388-310-1450; ((or

(f) You are fifty-five years old or older and caring for a child you are related to (and you are not the child's parent); you may go into community service (described in WAC 388-310-1400 (2)(b)); or

(g) Your situation prevents you from looking for a job and you are conducting activities identified on your IRP to help you with your situation. (For example, you may be unable to look for a job while you have health problems(;) or you are homeless ((and/or dealing with family violence.)

(3)); or

(h) Your situation prevents you from looking for work because you are a victim of family violence and you are conducting activities on your IRP to help you with your situation.

(2) What are my requirements if I am ((temporarily deferred from)) not required to participate in job search activities?

(a) If and when ~~((your))~~ you are not required to participate in job search ~~((is temporarily deferred))~~ activities, you may be required to take part in an employability evaluation

~~((as part of your individual responsibility plan)). Your individual responsibility plan will describe what you need to do to be able to enter job search and then find a job (see WAC 388-310-0500 and 0700).~~

(b) If you enter the pregnancy to employment pathway (described in WAC 388-310-1450(2)), you must take part in an assessment.

~~((4))~~ **(3) What happens if I do not follow my Work-First requirements?**

If you do not participate in job search, or in the activities listed in your individual responsibility plan, and you do not have a good reason, the department will ~~((impose a financial penalty))~~ reduce your WorkFirst grant (sanction, see WAC 388-310-1600).

AMENDATORY SECTION (Amending WSR 99-10-027; filed 4/28/99, effective 5/29/99)

WAC 388-310-0500 WorkFirst—Individual responsibility plan. (1) What is the purpose of my individual responsibility plan?

The purpose of your individual responsibility plan is to give you a written statement that describes:

(a) What your responsibilities are; and

(b) Which WorkFirst activities you are required to participate in; and

(c) What services you will receive so you are able to participate.

(2) What is included in my individual responsibility plan?

Your individual responsibility plan includes the following:

(a) What WorkFirst activities you must ~~((be engaged in))~~ do and the participation requirements for those activities including the amount of time you will spend doing the activities, a start and end date for each activity and ((how many hours a week you must spend in each activity)) the requirement to participate fully.

(b) Any other specific requirements that are tied to the WorkFirst work activity. For example, you might be required to learn English as part of your work experience activity.

(c) What services we will provide to help you ~~((need to))~~ participate in the activity. For example, you may require support services (such as help with paying for transportation) or help with paying childcare.

(d) Your statement that you recognize the need to become and remain employed as quickly as possible.

(3) How is my individual responsibility plan developed?

You and your case manager will work together and use information gathered from your employability evaluation (see WAC 388-310-0700) to develop your individual responsibility plan and decide what activities will be included in it. Then, your case manager will assign you to specific WorkFirst activities that will help you find employment as quickly as possible.

(4) What happens after my individual responsibility plan is completed?

Once your individual responsibility plan is completed:

(a) You will sign and get a copy of your individual responsibility plan.

(b) You and your case manager will review your plan as necessary over the coming months to make sure your plan continues to meet your employment needs. You will sign and get a copy of your individual responsibility plan every time it is reviewed and changed.

(5) What should I do if I cannot go to a required WorkFirst appointment or activity because of a temporary situation outside of my control?

If you cannot participate because of a temporary situation outside of your control, you must call the telephone number shown on your individual responsibility plan on the same day you were to report to explain your situation. You will be given an excused absence. Some examples of excused absences include:

(a) You, your children or other family members are ill;

(b) Your transportation or child care arrangements break down and you cannot make new arrangements in time to comply;

(c) A significant person in your life died; or

(d) A family violence situation arose or worsened.

(6) What happens if I don't call in on the same day I am unable to attend to get an excused absence?

If you do not call in on the same day you are unable to attend to get an excused absence, it will be considered an unexcused absence.

If you exceed the number of unexcused absences allowed on your individual responsibility plan, without good cause, your case manager will begin the sanction process. (See WAC 388-310-1600 for more details.)

AMENDATORY SECTION (Amending WSR 02-04-058, filed 1/30/02, effective 3/2/02)

WAC 388-310-0600 WorkFirst—Job search. (1)

What is job search?

Job search is an opportunity to learn and use skills you need to find and keep a job. Job search may include:

(a) Classroom instruction; and/or

(b) Structured job search that helps you find job openings, complete applications, practice interviews and apply other skills and abilities with a job search specialist or a group of fellow job-seekers; and/or

(c) Preemployment training; and/or

(d) High-wage/high-demand training.

(2) What is preemployment training?

Preemployment training helps you learn skills you need for an identified entry level job that pays more than average entry level wages.

(a) Preemployment training is an acceptable job search activity when an employer or industry commits to hiring or giving hiring preference to WorkFirst participants who successfully complete preemployment training.

(b) You can find out about current preemployment training opportunities by asking your job service specialist, your case manager or staff at your local community and technical college.

(3) What is high-wage/high-demand training?

(a) There are two types of high-wage/high-demand (HWHD) full-time training options for TANF recipients to complete a certificate or degree that will lead to employment in a high-wage/high-demand occupation:

(i) Information technology & health care: This option allows you to start and finish a one-year community or technical college training program in the information technology or health care fields; and/or

(ii) Certificate/degree completion: This option allows you to finish up the last year of a two- or four-year certificate or degree in a high-wage/high-demand field on an exception basis. The high-wage/high-demand criteria for this option is based on median income and high-demand occupations within the local labor market as determined by employment security department.

(b) For both types of HWHD training, the training can be approved one-time only (barring an approved exception to policy). There is no work requirement with either option for the twelve months of training time.

(c) To qualify for HWHD training, you must also:

(i) Meet all of the prerequisites for the course;

(ii) Obtain the certificate or degree within twelve calendar months;

(iii) Participate full-time in the training program and make satisfactory progress;

(iv) Work with co-located ESD staff during the last quarter of training for job placement; and

(v) Return to job search once you completes the educational program if still unemployed.

(4) Who provides me with job search?

You get job search from the employment security department or another organization under contract with WorkFirst to provide these services.

(5) How long do I stay in job search?

Periods of job search may last up to twelve continuous weeks. Job search specialists will monitor your progress. By the end of the first four weeks, a job search specialist will determine whether you should continue in job search. Job search will end when:

(a) You find a full-time job; or

(b) You become exempt from WorkFirst requirements (see WAC 388-310-0300); or

(c) Your situation changes and ~~((you are temporarily deferred from continuing with job search))~~ the case manager changes the activities on your IRP to fit your new circumstances (see WAC 388-310-0400); or

(d) After fully participating in job search ((specialists have)), and based on your experience in looking for work in the local labor market, it is determined that you need additional skills and/or experience to find a job; or

(e) You have not found a job at the end of the job search period.

(6) What happens at the end of job search if I have not found a job?

At the end of each job search period, you will be referred back to your case manager ~~((for an))~~ who will conduct a new employability evaluation if you have not found a job. You

and your case manager will also modify your individual responsibility plan.

AMENDATORY SECTION (Amending WSR 01-15-009, filed 7/6/01, effective 8/6/01)

WAC 388-310-0900 WorkFirst—Basic education. (1)

What is basic education?

Basic education is high school completion, classes to prepare for general equivalency diploma (GED) and testing to acquire GED certification. It may include ~~((families that work, workplace bases,))~~ adult basic education (ABE) or English as a second language (ESL) training if:

(a) It is determined you need this education to become employed or get a better job; and

(b) This activity is combined with paid or unpaid employment or job search; or

(c) You have fully participated in job search without finding a job.

(2) When do I participate in basic education as part of WorkFirst?

You may participate in basic education as part of WorkFirst under any of the following circumstances:

~~((You may choose to participate,))~~ (a) If you are twenty years of age or older and are working in paid or unpaid employment or in job search for a minimum of twenty hours a week ~~((in addition to the basic education))~~ your case manager may add basic education to your IRP as part of your full-time participation.

(b) You may attend full-time basic education classes if you have fully participated in job search without finding a job, and it has been determined that you need this training to become employed.

(c) You may be required to participate if you are a mandatory participant, a parent eighteen or nineteen years of age, you do not have a high school diploma or GED certificate and you need this education in order to find employment.

~~((e))~~ (d) You will be required to be in high school or a GED certification program if you are a mandatory participant, sixteen or seventeen years old and you do not have a high school diploma or GED certificate.

~~((d))~~ (e) Employment security department (ESD) has determined that you are a seasonal worker (that is, your ~~((normal way of life))~~ usual pattern of employment is based on recurring cycle of seasonal employment). Under WorkFirst, seasonal workers qualify for full-time education and training during the off season.

WSR 02-15-075

PERMANENT RULES

WASHINGTON STATE UNIVERSITY

[Filed July 15, 2002, 9:50 a.m.]

Date of Adoption: July 10, 2002.

Purpose: To clarify Washington State University's requirements for student conduct. Rules will also streamline the hearing and disciplinary process and provide for parental notification under revised FERPA rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 504-25-005, 504-25-010, 504-25-210, 504-25-225, 504-25-220, 504-25-235 and 504-25-240; and amending WAC 504-25-015, 504-25-020, 504-25-025, 504-25-030, 504-25-035, 504-25-045, 504-25-050, 504-25-055, 504-25-060, 504-25-065, 504-25-075, 504-25-080, 504-25-085, 504-25-090, 504-25-095, 504-25-100, 504-25-120, 504-25-125, 504-25-130, 504-25-135, 504-25-138, 504-25-140, 504-25-200, 504-25-202, 504-25-205, 504-25-215, and 504-25-230.

Statutory Authority for Adoption: RCW 28B.30.150.

Adopted under notice filed as WSR 02-11-093 on May 17, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 2, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 25, Amended 30, Repealed 7.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 25, Amended 30, Repealed 7.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 25, Amended 30, Repealed 7.

Effective Date of Rule: Thirty-one days after filing.

July 10, 2002

Loretta M. Lamb

Associate Vice-President for
Administration and Personnel

**WASHINGTON STATE UNIVERSITY: STANDARDS
OF CONDUCT FOR STUDENTS**

NEW SECTION

WAC 504-25-001 Terms of enrollment. Washington State University is guided by a commitment to excellence. The university aims to create an environment that cultivates individual virtues and institutional integrity in the community. The mission of the university is supported when students take responsibility for their conduct both in and out of the classroom. Under the terms of enrollment, students acknowledge the university's authority to take disciplinary action for conduct on or off university property that is detrimental to the university's mission.

NEW SECTION

WAC 504-25-002 Washington State University. The term "university" means all Washington State University campus locations. The term "university" also applies to distance learning.

NEW SECTION

WAC 504-25-003 Definition of a student. A student is any person who is enrolled at Washington State University for the current academic period. A student is also defined as one who has an ongoing relationship with the university between academic periods at the time the misconduct occurred.

NEW SECTION

WAC 504-25-004 Scope of the standards of conduct. A student is subject to discipline on or off university property. Off-campus conduct may be addressed when it is detrimental to the university's mission.

NEW SECTION

WAC 504-25-011 Good standing. The award of a degree is conditioned upon the student's good standing in the university and satisfaction of all university graduation requirements. "Good standing" means the student has resolved any unpaid fees or acts of academic or behavioral misconduct, and complied with all sanctions imposed as a result of the misconduct. The university shall deny award of a degree if the student is dismissed from the university based on his or her misconduct. (See also Rule 45 in the General Catalog.)

NEW SECTION

WAC 504-25-012 Effect of alcohol or drugs. Any conduct that may have been influenced by alcohol or drugs will generally not limit or excuse the student's responsibility for his or her action.

NEW SECTION

WAC 504-25-013 Responsibility for guests. A student or student organization is responsible for the conduct of guests on or in university property and at functions sponsored by the university or sponsored by any registered university organization.

NEW SECTION

WAC 504-25-014 Students studying abroad. Students who participate in any university sponsored or sanctioned foreign study program shall observe the following rules and regulations:

- (1) The laws of the host country;
- (2) The academic and disciplinary regulations of the educational institution or residential housing program where the student is studying; and
- (3) Any other agreements related to the student's study program in a foreign country.

AMENDATORY SECTION (Amending WSR 95-07-001, filed 3/2/95, effective 4/2/95)

WAC 504-25-015 Academic dishonesty. ~~((1) A student organization's assistance in, or encouragement of, academic dishonesty as defined in subsection (2) of this section is prohibited. Part III of this chapter provides procedures for dealing with academic dishonesty by individual students. Part II of this chapter provides procedures for dealing with assisting in or encouragement of academic dishonesty by student organizations.~~

~~((2)) Academic dishonesty, ((includes)) such as cheating, plagiarism, ((and)) fabrication, and fraud, is prohibited. ((in the process of completing academic work. The university expects that student organizations will accept these standards and that their members will conduct themselves as responsible members of the academic community. These standards should be interpreted by students as general notice of prohibited conduct. They should be read broadly, and are not designed to define misconduct in exhaustive forms.)) See Part III for specific definitions of academic dishonesty.~~

NEW SECTION

WAC 504-25-018 Copyright and intellectual property. Violation of copyright laws and the intellectual property rights of others is prohibited. Prohibited acts include, but are not limited to:

- (1) Posting the works of another person on an internet website without the permission of the creator;
- (2) Copying the creative works of another without the permission of the creator;
- (3) Selling a recording of a presentation by another without the permission of the presenter;
- (4) Claiming the works of another as one's own;
- (5) Using the copyrighted works or intellectual property of another for profit without the permission of the owner;
- (6) Copying or digitally transmitting video or audio files without the permission of the owner; or displaying a copyrighted work publicly without the permission of the owner.

AMENDATORY SECTION (Amending WSR 95-07-045, filed 3/8/95, effective 4/8/95)

WAC 504-25-020 Discrimination. (1) Discrimination on the basis of race, national or ethnic origin, creed, age, sex, marital status, ~~status as a Vietnam~~ veteran status, sexual orientation, or disability is prohibited ~~((This rule will be interpreted))~~ in conformity with federal and state laws ~~((on discrimination))~~.

~~((This antidiscrimination regulation explicitly incorporates and prohibits))~~ Discrimination includes sexual or racial harassment by students. Sexual and racial harassment are defined as conduct ~~((which))~~ that is (a) sexually or racially motivated and (b) has the purpose or effect of unreasonably interfering with ~~((an individual's))~~ person's work or educational performance or creating an intimidating, hostile, or offensive environment.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 95-07-045, filed 3/8/95, effective 4/8/95)

WAC 504-25-025 Sexual offenses. (1) Sexual offenses of any kind, including, but not limited to acquaintance rape, indecent liberties, ~~and~~ assault of a sexual nature, and/or other unwanted sexual contact are prohibited. ~~((University policy prohibiting sexual offenses is consistent with state law.~~

~~((2))) (a) ((The definition of r)) Rape is defined under state law ~~((includes))~~ as sexual intercourse with a person who ~~((clearly expressed lack of))~~ did not consent by his or her words or conduct. ~~((Washington law further defines e))~~ Consent to sexual activity ((as)) means actual words or conduct indicating the person has freely ((given agreement)) and voluntarily agreed to have sexual intercourse.~~

(i) Silence or mere passivity from a state of intoxication or unconsciousness does not imply consent to sexual intercourse.

(ii) Lack of consent is implied if violence is threatened or used.

~~((3))) (b) ((The definition of i)) Indecent liberties ~~((under state law includes))~~ means knowingly causing sexual contact with a person by forcible compulsion or when the person is incapable of consent by reason of mental defect, mental incapacitation, or physical helplessness. ~~((Pursuant to Washington law, s))~~ Sexual contact ((means)) is defined as any nonconsensual touching of the sexual or other intimate parts of a person done for the purpose of gratifying the sexual desire of either party.~~

~~((4))) (c) The university ~~((also))~~ prohibits sexual contact when such contact amounts to assault under Washington law. Assault includes harmful and offensive contact with another person. ~~((Lack of opportunity to consent to the contact may be evidence of assault.))~~~~

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 89-11-065, filed 5/18/89, effective 7/1/89)

WAC 504-25-030 Physical ~~((abuse))~~ assault or threatened physical ~~((abuse))~~ assault. ~~((Actual or attempted abuse of any person or conduct which threatens or endangers the health and safety of any person or which intentionally causes a reasonable apprehension of harm to any person is prohibited.))~~ No person may intentionally strike, shove, hit, punch, kick or otherwise subject another person to physical contact, or threaten bodily harm without the consent of the person.

AMENDATORY SECTION (Amending WSR 95-07-045, filed 3/8/95, effective 4/8/95)

WAC 504-25-035 Hazing is prohibited. ~~((Hazing is prohibited. Hazing is defined as any action required of or imposed on current or potential members of a group which, regardless of location of the incident or consent of the participant(s))~~

(1) No student or other person enrolled at Washington State University may conspire to engage in hazing or participate in hazing of another.

~~((1)) (a) ((Produces)) Hazing includes any method of initiation into a student organization or living group, or any pastime or amusement engaged in with respect to such an organization or living group that causes, or is ((reasonably)) likely to ((produce)) cause, bodily danger, physical harm, or serious mental or ((physical discomfort, harassment, fright, humiliation, ridicule, substantial interference with academic efforts, or significant impairment or endangerment of physical well-being or;)) emotional harm to any student or other person attending a public or private institution of higher education or other postsecondary educational institution of higher education or other postsecondary educational institution in this state.~~

~~((2)) Compels an individual to participate in any activity which is illegal, perverse or publicly indecent or contrary to university rules, regulations, or policies or which is known by the person(s) compelling the activity to be contrary to the individual's moral or religious beliefs.))~~

(b) Hazing does not include customary athletic events or other similar contests or competitions.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 89-11-065, filed 5/18/89, effective 7/1/89)

WAC 504-25-040 Harassment. ~~((Harassment of any sort is prohibited. Any malicious act which causes harm to any person's physical or mental well-being))~~ Intentional conduct directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and serves no legitimate or lawful purpose is prohibited.

NEW SECTION

WAC 504-25-041 Malicious harassment Maliciously and intentionally committing one of the following acts because of a perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicap is prohibited:

(1) Causing physical injury to the victim or another person;

(2) Causing physical damage to or destruction of the property of the victim or another person;

(3) Threatening a specific person or group of persons and placing that person, or members of the specific group of persons, in reasonable fear of harm to person or to property.

NEW SECTION

WAC 504-25-042 Stalking. Following or intentionally and repeatedly harassing another person, and placing the person being followed or harassed in reasonable fear that the stalker intends to injure a person or property is prohibited.

AMENDATORY SECTION (Amending WSR 89-11-065, filed 5/18/89, effective 7/1/89)

WAC 504-25-045 Reckless endangerment. (~~Recklessly e~~) Engaging in conduct (~~which~~) that creates a substantial risk of physical harm to another person is prohibited.

AMENDATORY SECTION (Amending WSR 95-07-045, filed 3/8/95, effective 4/8/95)

WAC 504-25-050 Alcohol. (1) Illegal use, manufacture, possession, or sale of intoxicating beverages is prohibited (~~(University policy is consistent with)~~) by local, state, and federal law (~~(s on the sale, possession, and consumption of alcoholic beverages)~~).

(2) Consumption, or possession, sale, or distribution of alcohol by students in public areas of any university-owned or controlled property (~~(is prohibited except for students of legal age at university approved events)~~) or at university functions must comply with all local, state and federal laws.

~~((3) Unless specifically approved for those of legal age, consumption or possession of alcohol at or in line for university sponsored or supervised events is prohibited.)~~

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 95-07-045, filed 3/8/95, effective 4/8/95)

WAC 504-25-055 Drugs and drug paraphernalia. (~~(Illegal)~~) The use, sale, possession, manufacture, (sale,) and/or distribution of (~~(any narcotic or dangerous)~~) illegal drugs and drug paraphernalia is prohibited. (~~(University policy is consistent with state and federal laws which regulate controlled substances.)~~)

AMENDATORY SECTION (Amending WSR 95-07-045, filed 3/8/95, effective 4/8/95)

WAC 504-25-060 Firearms and dangerous weapons. (1) (~~(Illegal possession, carrying or discharge of any explosive, firearm, or other weapon (including shotguns, rifles, pistols, air guns, and pellet guns) is prohibited.)~~) No student may carry, possess, or use any firearm, explosive, dangerous chemical, or dangerous weapon (including, but not limited to, shotguns, rifles, pistols, airguns, pellet guns, longbows, hunting bows, throwing weapons, etc.) (~~(while on the campus or on other university controlled or approved property, including university residence halls, apartments, and approved housing except in transit to or from approved storage or to leave campus)~~) except in transit to or from approved storage, to leave campus, or when authorized by the university.

(2) Any student who wants access to (~~(any)~~) his or her firearm (~~(or weapon)~~) while (~~(on campus)~~) enrolled at the university must (~~(immediately place)~~) store the firearm(~~(s) or weapon(s) in the university provided storage facility while the firearm(s) or weapon(s) is on campus. The storage facility is located at)~~) with the Washington State University (pohie department and is accessible on a twenty-four hour basis) Department of Public Safety.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 89-11-065, filed 5/18/89, effective 7/1/89)

WAC 504-25-065 Unlawful Illegal entry and trespassing. Illegal or attempted illegal entry (~~(of)~~) or trespassing on university (~~(owned or controlled)~~) property (~~(or university approved housing)~~) is prohibited. (~~(Violation of the university's rules for the use of its facilities in chapters 504-32 and 504-34 WAC, is also prohibited.)~~)

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 89-11-065, filed 5/18/89, effective 7/1/89)

WAC 504-25-075 Safety equipment. Improper use or disablement of safety or fire (~~(fighting)~~) safety equipment, such as fire extinguishers, fire alarms, or exit signs, is prohibited.

AMENDATORY SECTION (Amending WSR 95-07-045, filed 3/8/95, effective 4/8/95)

WAC 504-25-080 (~~(Forgery and m)~~) Misrepresentation, fraud and falsification of university records. (~~(Falsifying)~~) Providing false, misrepresented, or fraudulent information to university officials (~~(including issuing)~~) or on university records is prohibited. Such information includes but is not limited to:

(1) Providing false identification (~~(within the university community)~~);

(2) Falsifying, misrepresenting, forging, altering, or fraudulently obtaining a university transcript or diploma;

(3) (~~(failing to reveal)~~) Withholding or misrepresenting relevant information on any university form or federal financial aid form;

(4) (~~(e)~~) Offering any false information in any university disciplinary proceeding, academic exercise or hearing, employment situation, or in any other university situation; (~~(of)~~)

(5) (~~(m)~~) Maliciously altering or misusing university documents, records, permits, or identification (~~(is prohibited)~~).

AMENDATORY SECTION (Amending WSR 89-11-065, filed 5/18/89, effective 7/1/89)

WAC 504-25-085 Computer abuses. Conduct ~~((which))~~ that violates the university's ~~((property rights with respect to computing))~~ electronic use policy ~~((resources))~~ is ~~((subject to university disciplinary action. The following conduct is))~~ prohibited and includes:

- (1) ~~((Unauthorized copying, including:))~~
 - ~~((a))~~ Copying university-owned or licensed software or data for personal or external use without prior approval;
 - ~~((b))~~ (2) Copying another computer user's software or data without permission of its owner, even if it is readily accessible by electronic means;
 - ~~((c))~~ (3) Knowingly accepting or using software or data which has been obtained by unauthorized means.
 - ~~((2))~~ (4) Modifying or damaging, attempting to modify or damage, computer equipment, software, databases, or communications lines without permission;
 - ~~((3))~~ (5) Disrupting or attempting to disrupt computer operations;
 - ~~((4))~~ (6) Invading the privacy of an individual by using electronic means to ascertain confidential information, even if an individual or department inadvertently allows access to such information;
 - ~~((5))~~ (7) Abusing or harassing another computer user through electronic means;
 - ~~((6))~~ (8) Using the university's computing facilities in the commission of a crime;
 - ~~((7))~~ (9) Using computer services without authorization;
 - ~~((8))~~ (10) Allowing another individual to use one's computer identity/account or using another individual's computer identity/account.
 - (a) This includes, but is not limited to, logging on to the account, accessing programs, and reading or altering computer records. ~~((Computer time belongs to the university; t))~~ The university ~~((is the only entity)),~~ through ~~((computing services))~~ information technology, must authorize ~~((d to))~~ and allocate time on the mainframe computers.
- (11) Violation of any written policy, regulation or law concerning use of computers.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 89-11-065, filed 5/18/89, effective 7/1/89)

WAC 504-25-090 Disruption. (1) ~~((While-s))~~ Students have the right to freedom of ~~((expression))~~ speech, including the right to dissent or protest, but this expression cannot interfere with the rights of others or disrupt the ~~((processes of the))~~ university's activities. The following conduct will not be permitted:

- ~~((1))~~ (a) Disruption of classes, laboratories, offices, services, meetings, or ceremonies;
- ~~((2))~~ (b) Obstruction of free movement of people or vehicles; provided, peaceful picketing is permitted ~~((only as))~~

so long as it takes place outside buildings and does not interfere with the flow of traffic ~~((to and from buildings));~~

- ~~((3))~~ (c) Conduct which threatens harm, incites violence, or endangers the health and safety of any person;
- ~~((4))~~ (d) Threats of disruption, including bomb threats;
- ~~((5))~~ (e) Damaging, defacing or abusing university facilities, equipment, or property; or the property of university community members; or
- ~~((6))~~ (f) Inciting others to engage in prohibited conduct.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 89-11-065, filed 5/18/89, effective 7/1/89)

WAC 504-25-095 Disturbing the peace. Creating noise in such a way as to interfere with the university's ~~((functions or using sound amplification equipment in a loud and raucous manner))~~ mission is prohibited.

AMENDATORY SECTION (Amending WSR 95-07-045, filed 3/8/95, effective 4/8/95)

WAC 504-25-100 Public indecency and obscenity. ~~((Indecent or obscene conduct is prohibited. Indecent or obscene conduct is conduct which is public and offensive to university community standards.))~~ Public indecency, including public urination, and obscenity is prohibited.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 89-11-065, filed 5/18/89, effective 7/1/89)

WAC 504-25-115 Violation of local ordinances, state law, or federal law. Students ~~((are expected to))~~ shall comply with local, state, and federal laws and may be subject to university discipline or any violation. ~~((The university may take action, whether the violation occurs on or off campus, when a definite university interest is involved and where the conduct distinctly and adversely affects the university's pursuit of its educational mission or the health or safety of members of the university community.))~~

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 95-07-045, filed 3/8/95, effective 4/8/95)

WAC 504-25-120 Failure to comply with a proper order. ~~((While on university-owned or controlled property or on the premises of university-approved housing, w))~~ Willful refusal or failure to comply with a proper order or request of a university official ~~((,- campus security officer))~~, or law enforcement officer ~~((,-))~~ acting in performance of their duties is prohibited.

AMENDATORY SECTION (Amending WSR 89-11-065, filed 5/18/89, effective 7/1/89)

WAC 504-25-125 Assisting illegal or prohibited conduct. Aiding, assisting in, or serving as an accomplice in the commission of any illegal act or any act prohibited by these university's standards of conduct (~~(regulations)~~) is prohibited.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 89-11-065, filed 5/18/89, effective 7/1/89)

WAC 504-25-130 Violation of a disciplinary sanction. Violation of any term or condition of any disciplinary sanction (~~(is prohibited)~~) constitutes a new violation and may subject the student to additional sanctions.

AMENDATORY SECTION (Amending WSR 89-11-065, filed 5/18/89, effective 7/1/89)

WAC 504-25-135 Failure to cooperate with a(n) university investigation (~~(of any conduct violation)~~). Failure to cooperate with ~~(the)~~ a university investigation (~~(of any conduct violation,)~~) or ~~(interference)~~ interfering with ~~(a proper)~~ an investigation (~~(of any violation)~~) by withholding evidence, or encouraging or threatening another to ~~(withhold evidence)~~ interfere with an investigation or to lie is prohibited. However, the student has the right to remain silent and not incriminate himself or herself if the allegation may lead to criminal liability.

(1) Any student who fears for his or her safety may request that testimony be given by telephone or other means.

NEW SECTION

WAC 504-25-137 Misuse of keys or access cards. Unauthorized possession, duplication, or use of keys or cards that permit access to any university-related services, housing, vehicles, or premises is prohibited.

AMENDATORY SECTION (Amending WSR 95-07-045, filed 3/8/95, effective 4/8/95)

WAC 504-25-138 Misuse of university-issued student identification. (~~(Misuse of student identification is prohibited. Misuse of student identification includes, but is not limited to, alteration of validly issued identification in any manner; use of, or allowing use of, identification by a person other than the one for whom the identification was issued; or use of counterfeit student identification.)~~) Unauthorized possession, including but not limited to lending, selling, processing, duplicating, or using university-issued student identification is prohibited.

NEW SECTION

WAC 504-25-139 Identity theft. Knowingly using or transferring another person's identification for any unlawful purpose is prohibited.

AMENDATORY SECTION (Amending WSR 89-11-065, filed 5/18/89, effective 7/1/89)

WAC 504-25-140 Other conduct. Any other conduct ~~((or action in which))~~ that is detrimental to the university's ~~((can demonstrate a clear and distinct interest and which substantially))~~ mission or threatens ~~((the educational process or other legitimate function of the university or))~~ the health or safety of ~~((any member of))~~ the ~~((university))~~ community is prohibited.

AMENDATORY SECTION (Amending WSR 89-11-065, filed 5/18/89, effective 7/1/89)

WAC 504-25-200 ~~((Introduction))~~ Disciplinary action. ~~((1))~~ The university's ~~((has established the standards of conduct for students and the disciplinary process to protect its educational purpose, provide for the orderly conduct of its activities, and safeguard the interests of the university community. The))~~ disciplinary ~~((procedures used by the university are considered part of its))~~ process is educational, ~~((process. Hearings or appeals conducted as a part of the disciplinary process are not courts of law and they are not subject to many of the constraints of civil or criminal hearings. Because some of the standards of conduct are also violations of law, students may be accountable to both civil authorities and to the university for their actions. Disciplinary action at the university will normally proceed without regard for any civil or criminal proceeding and will not be subject to challenge on the basis of the outcome of any civil or criminal proceeding.))~~

~~((2))~~ This process is intended to be educative for the students involved, ~~(although)~~ but sanctions for serious violations can include temporary or permanent ~~((removal))~~ dismissal from the university. ~~((Students involved in these procedures should expect to be treated fairly and go through the process))~~ University disciplinary action is independent of any civil or criminal proceeding and is not influenced by the outcome of those proceedings. The university shall address allegations of student misconduct in a timely manner. ((The purposes of the disciplinary process are:

- (a) To determine the facts about the allegation(s);
- (b) To determine the responsibility of the accused student or student organization;
- (c) To determine an appropriate sanction if the accused student or student organization is found responsible for a violation; and
- (d) To help any student or student organization found responsible for any violation of the standards of conduct to understand the negative impact of their actions.

~~((3))~~ Any behavior which may have been influenced by a student's mental state, or use of drugs or alcohol will generally not limit the responsibility of the student for his or her action.)

NEW SECTION

WAC 504-25-201 Student rights. (1) A student or student organization that has allegedly violated the standards of conduct has the following rights:

- (a) The right to notice and the basis for the allegation.

(b) The right to remain silent and not incriminate oneself if the allegation may lead to criminal liability.

(c) The right to a hearing.

(d) The right to seven calendar days notice prior to a hearing.

(e) The right to present written information to the university officer or the conduct board prior to the hearing, including signed witness statements.

(f) The right to consult an adviser and have one adviser present at the hearing. The adviser may advise the student or student organization during the hearing, but is not permitted to directly address the university officer or the conduct board. The advisor is prohibited from examining witnesses.

(g) The right to one administrative appeal.

(h) The right to seek judicial review in a court of law after the university enters its final order.

(2) A student or student organization has the following additional rights if the conduct board hears the matter:

(a) The right to request the removal of a conduct board member for prejudice. The request must be made in writing and support the basis for the alleged prejudice.

(b) The right to review any written material to be presented to the conduct board at least 48 hours prior to the hearing, including the names of witnesses expected to testify. Any new information or evidence shall be released to the accused student or student organization within 24 hours of receipt.

(c) The right to hear the testimony of all witnesses.

(d) The right to question witnesses by submitting written questions to the chairperson.

(e) The right to have an audio recording made of the hearing.

NEW SECTION

WAC 504-25-202 Emergency interventions and interim action. (1) A student or student organization involved in alleged misconduct is entitled to a hearing prior to the imposition of any disciplinary action. However, if there is cause to believe that the student or student organization poses an imminent threat to himself, herself, itself, to others or to property, immediate action may be taken prior to a hearing. An interim suspension shall not create a presumption of guilt. The vice president for student affairs or designee may take one or more of the following interim actions:

(a) Interim restrictions. A student may be restricted from university facilities or assigned to alternate university housing. Students may also be restricted from contacting a person or a group.

(b) Interim suspension. A student may be suspended pending a hearing.

(2) The vice-president for student affairs or designee shall notify the student or student organization in writing of the terms of the emergency restriction, suspension, and the reasons for the decision.

(3) If interim action is taken, the student or student organization is entitled to a hearing as soon as is reasonably possible, but not later than ten calendar days after the action is taken.

NEW SECTION

WAC 504-25-203 Parental notification The Family Educational Right to Privacy Act (FERPA) provides that an educational institution may notify a student's parent or legal guardian if the student is under the age of twenty-one and has violated a federal, state, or local law involving the use or possession of alcohol or a controlled substance.

AMENDATORY SECTION (Amending WSR 89-11-065, filed 5/18/89, effective 7/1/89)

WAC 504-25-205 Types of hearings. (1) An administrative hearing is an informal process conducted by a university officer that will not result in suspension or dismissal.

(2) Conduct board hearings are more formal proceedings that may result in suspension, dismissal or loss of a student organization's recognition or charter.

~~((1)) (3) ((The procedures for s)) Student conduct hearings ((, whether before the university conduct board, or before an administrative hearing officer,)) are conducted as brief ((hearing procedures in accordance with RCW 34.05.482. The minimum procedures of)) adjudicative proceedings pursuant to RCW 34.05.482 through 34.05.494 ((, as may be amended in the future, are adopted for student conduct hearings. To assure proper due process is provided to students, the following additional protections apply to conduct hearings:~~

~~(2) The university has established several types of hearings. The nature of the alleged violation will determine which type of hearing a student will receive.~~

~~(a) The university administrative hearing officer hears cases which involve violations of the standards of conduct. The hearing officer will not hear cases which could result in suspension or dismissal from the university.~~

~~(b) The university conduct board hears cases which involve violations of the standards of conduct and can impose all levels of sanctions.)~~

(4) Two or more students or organizations may be required to participate in a joint hearing if they are alleged to have taken part in the same incident, act, event, or series of related acts.

AMENDATORY SECTION (Amending WSR 95-07-045, filed 3/8/95, effective 4/8/95)

WAC 504-25-215 ((Judicial)) University officer, ((hearing)) conduct boards, and appeal boards. ((Generally, the first contact with any student or student organization involved in the discipline process is made by the university judicial officer.))

~~(1) The ((judicial)) university officer is ((an)) student affairs staff member or a graduate assistant in the office of student affairs. ((and serves as the chief investigator and prosecutor. The judicial officer prepares the case and the evidence. The judicial officer serves as the secretary of the university conduct board and may be the administrative hearing officer.~~

~~Administrative hearing officers are appointed by the vice provost for student affairs and are generally members of the faculty in student affairs. An administrative hearing~~

officer is responsible for hearing cases where the student or student organization has been offered a less formal hearing. The administrative hearing officer determines both the responsibility of the accused student or student organization and the sanction(s).)

(2) ~~((The u))~~ University conduct board ~~((is a presidential standing committee, whose))~~ members are recommended by the ~~((vice provost))~~ vice president for student affairs and appointed by the president of the university. ~~((The university conduct))~~ This board is composed of ~~((faculty members and graduate and undergraduate student members. Each hearing board consists of five members drawn from the conduct board. T))~~ two faculty members, two students, and ~~((the))~~ a faculty or staff chairperson. The chairperson ~~((is appointed by the vice provost for student affairs))~~ conducts the proceedings.

(3) In matters involving an academic integrity violation, the faculty members shall be teaching faculty. If the accused student is a graduate student, at least one graduate student shall be on the conduct board.

(4) The ~~((university))~~ appeals board is composed of three university administrators; appointed by the president ~~((, one of whom is the vice provost for student affairs))~~ of the university.

(5) All university officers and hearing board members shall be impartial.

(a) Impartial means the person is not personally involved in the alleged act or does not have a personal interest in the outcome of the disciplinary proceeding.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 504-25-221 Complaint. (1) Any person may file a complaint in writing with the office of student affairs against a student or student organization.

(a) The complainant must have direct knowledge of the alleged misconduct and be willing to appear at a hearing if necessary.

(b) The university officer determines if the alleged misconduct constitutes a violation of the standards of conduct.

(c) If the university officer determines there may be a violation, the student or student organization is requested to attend a preliminary conference.

(d) The student or student organization is notified in writing of the allegation against them.

(2) If a student withdraws after a complaint has been filed, the hearing may be conducted in the student's absence. If the student is found responsible for a violation of the standards of conduct, the university may impose disciplinary sanctions.

(a) Failure to comply with a university sanction or failure to resolve a conduct complaint shall affect a student's good standing in the university.

NEW SECTION

WAC 504-25-222 Preliminary conference. (1) The preliminary conference is an opportunity to evaluate the student's or student organization's alleged involvement in the matter. The university officer shall:

- (a) Inform the student of the nature of the complaint;
- (b) Educate the student about the university's disciplinary process;
- (c) Notify the student of his or her rights and responsibilities; and
- (d) Encourage the student to submit a written explanation of the alleged incident.

(2) If a student or student organization admits responsibility for the alleged incident and the violation will not result in suspension or expulsion, the student or student organization may waive the notice requirement and resolve the matter with a university officer at that time.

(3) If there is no admission of responsibility, the matter will be set for a administrative or conduct board hearing.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 504-25-223 Notice. (1) Any student or student organization charged with violating the standards of conduct shall be notified in writing at least seven calendar days prior to the hearing. The notice shall include:

- (a) The specific charges, including the university policy or regulation allegedly violated;
- (b) The approximate time and place of the alleged act;
- (c) The time and place of the hearing.

NEW SECTION

WAC 504-25-224 Service of notice. (1) Notice of a hearing with a university officer is sent by regular mail.

(2) Notice of a conduct board hearing is sent by certified mail return receipt requested and by regular mail to the student or student or organization's last known local address. If the student is no longer enrolled at the time notice is sent, the notice is sent to the student's permanent address.

(3) The student or student organization is responsible for keeping an updated address on file.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 504-25-226 Administrative hearing. (1) Administrative hearings are informal hearings conducted by a university officer.

(a) The university officer has the sole discretion to send the matter to a conduct board at any time before an initial order is issued. A student may request that a conduct board hear the case, but the final decision on the matter is made by the university officer and is not subject to appeal.

(2) If the student or student organization fails to appear at a hearing after proper notice, the university officer has the discretion to proceed in the student or organization's absence and determine responsibility and appropriate sanctions.

(3) The hearings are closed to the public in conformity with federal privacy law.

(4) The administrative hearing is not a legal proceeding.

(5) The university officer is not bound by the rules of evidence and may admit any relevant information, but shall exclude immaterial or unduly repetitious information.

(6) The university must prove the allegation by a preponderance of the evidence.

(a) Preponderance of the evidence means evidence that would lead a reasonable person to conclude that it is more likely than not that a violation occurred.

(7) A hearing may be continued to another time if any person disrupts the proceedings.

(8) At the conclusion of the hearing the student is informed in writing of the university officer's decision, the reasons for the decision, the sanction, and the right to appeal the decision.

(9) The written decision is the initial order. Any sanction imposed is effective from the date of the initial order.

(10) If the student does not appeal the university officer's initial decision within twenty-five calendar days from the date of the decision letter, it becomes the university's final order.

(11) Administrative hearing decisions involving individual students are confidential. However, the university may disclose the outcome of a disciplinary decision in compliance with the Family Educational Right to Privacy Act (FERPA) under the following exemptions:

(a) Disclosure to other university officials with a legitimate educational interest;

(b) Disclosure to an alleged victim of any crime of violence;

(c) Disclosure in connection with a health or safety emergency; and

(d) Future exemptions that may apply as amended by federal law. Students will be notified annually of any new exemptions that may apply.

(12) The university officer shall keep a written record of the hearing. This record shall include all documents relevant to the university officer's decision.

NEW SECTION

WAC 504-25-227 Administrative hearing appeal. (1)

Any student or student organization found responsible for a violation of the standards of conduct has the right to one appeal. The appeal is a review of the record and the appeal letter, it not a new hearing.

(2) The university officer's written decision is the initial order.

(3) The university officer's initial order may be appealed to the vice president for student affairs or designee.

(4) If the student does not appeal the university officer's initial decision within twenty-five calendar days from the date of the decision letter, it becomes the university's final order.

(5) An appeal letter shall be in writing and filed with the office of student affairs. The university officer may also submit written arguments on behalf of the university.

(6) On appeal the student must prove that he or she is not responsible for a violation.

(7) The following shall be the basis for an appeal:

(a) A procedural error that materially affected the decision;

(b) New information not previously available that would have materially affected the decision;

(c) The decision was not supported by substantial evidence.

(d) The standards of conduct do not apply to the alleged violation.

(e) The sanction is too severe or inappropriate for the violation.

(8) The student bears the burden of proof.

(a) Burden of proof means the student or student organization must prove he, she, or it is not responsible for the violation of the standards of conduct.

(9) The vice president for student affairs or designee shall review the record and make one of the following determinations:

(a) Affirm the conduct board's decision;

(b) Reverse the conduct board's decision;

(c) Affirm, reverse or modify the sanctions imposed by the conduct board.

(10) The university appeals board's decision letter is the university's final order and shall advise the student or student organization of the right to judicial review.

(a) The request for judicial review of a final university order must be filed with the court within thirty-five calendar days of the date of the university appeals board's decision letter.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 504-25-228 Conduct board hearing. (1) Conduct board hearings are more formal proceedings that may result in suspension or dismissal. The student or student organization is responsible for presenting his, her, or its own case.

(a) A student may request an administrative hearing, but the final decision on the matter is made by the university officer and is not subject to appeal.

(2) If the student or student organization fails to appear at a hearing after proper notice, the university conduct board has the discretion to proceed in the student or student organization's absence and determine responsibility and appropriate sanctions.

(3) The hearings are closed to the public in conformity with federal privacy law.

(4) The conduct board hearing is not a legal proceeding.

(5) The conduct board is not bound by the rules of evidence and may admit any relevant information, but shall exclude immaterial or unduly repetitious information.

(6) The university and the student or student organization have the right to have witnesses testify about the alleged incident.

(7) The university must prove the allegation by a preponderance of the evidence.

(a) Preponderance of the evidence means evidence that would lead a reasonable person to conclude that it is more likely than not that a violation occurred.

(b) The conduct board's decision is made by a simple majority vote.

(8) Conduct board hearings are generally held between the hours of 5:00 p.m. and 10:00 p.m. Deliberations may continue after 10:00 p.m. at the discretion of the board.

(9) The chairperson presides over the hearing and may recess a hearing or order a continuance on a different day and time as the circumstances may require.

(10) The student or student organization may request a recess, but recesses should be kept short and to a minimum. The chairperson may approve or deny a request for a recess.

(11) Any person may be excluded from the proceeding for disruptive behavior.

(12) The decision process is closed to everyone except the members of the conduct board. In some cases, an assistant attorney general may advise the conduct board on procedural matters.

(13) Conduct board decisions involving individual students are confidential. However, the university may disclose the outcome of a disciplinary decision in compliance with the Family Educational Right to Privacy Act (FERPA) under the following exemptions:

(a) Disclosure to university officials with a legitimate educational interest;

(b) Disclosure to an alleged victim of any crime of violence;

(c) Disclosure is in connection with a health or safety emergency; and

(d) Future exemptions that may apply as amended by federal law. Students will be notified annually of any new exemptions that may apply.

(14) Decisions involving student groups or living groups may be disclosed to the public pursuant to a Public Records request without violating individual students' privacy rights.

(a) Personally-identifiable student information shall be redacted.

(15) The student or student organization may be informed of the outcome of the hearing prior to receiving written notification.

(16) The student or student organization shall be notified of the conduct board's decision within ten calendar days from the date the matter is heard. The student or student organization shall receive written notice of the decision, the reasons for the decision, the sanction, and the right to appeal.

(17) Written notice of the decision is sent by certified and regular mail to the student or president of the student organization's last known address.

(18) The written decision is the initial order. Any sanction imposed is effective from the date of the initial order.

(19) If the student or student organization does not appeal the conduct board's decision within twenty-five calen-

dar days from the date of the decision letter, it becomes the university's final order.

(20) The conduct board hearing record shall include:

(a) All documents relevant to the conduct board's decision, and

(b) An audio recording of the proceedings.

NEW SECTION

WAC 504-25-229 Conduct board appeal. (1) Any student or student organization found responsible for a violation of the standards of conduct has the right to one appeal. The appeal is a review of the record and the appeal letter, it is not a new hearing.

(2) The conduct board's written decision is the initial order.

(3) The university conduct board's initial order may be appealed to the university appeal board.

(4) If the student does not appeal the conduct board's initial order within twenty-five calendar days from the date of the decision letter, it becomes the final university order.

(5) An appeal letter shall be in writing and filed with the office of student affairs. The university officer may also submit written arguments on behalf of the university.

(6) The following shall be the basis for an appeal:

(a) A procedural error that materially affected the decision;

(b) New information not previously available that would materially affect the decision.

(c) The decision was not supported by substantial evidence;

(d) The standards of conduct do not apply to the alleged conduct.

(e) The sanction is too severe or inappropriate for the violation.

(7) The student bears the burden of proof. Burden of proof means the student must prove they are not responsible for the violation of the standards of conduct.

(8) The university appeal board shall review the record and make one of the following determinations:

(a) Affirm the conduct board's decision;

(b) Reverse the conduct board's decision;

(c) Affirm, reverse or modify the sanctions imposed by the conduct board.

(9) The student or student organization shall be notified of the appeal board's decision within ten calendar days from the date the matter is heard. The university appeal board's decision letter is the final order and shall advise the student or student organization of the right to judicial review.

(a) The request for judicial review of a final university order shall be filed with the court within thirty-five calendar days of the date of the university appeal board's decision letter.

AMENDATORY SECTION (Amending WSR 95-07-045, filed 3/8/95, effective 4/8/95)

WAC 504-25-230 Sanctions. (1) Any of the following sanctions or any combinations of ~~((the))~~ sanctions may be imposed on a student or student organization for a viola-

tion~~((s))~~ of the standards of conduct~~((:))~~ Sanctions imposed by the university officer or university conduct board are effective from the date of the initial order.

(a) Warning. A letter notifying the student that the allegation is not a violation under the standards of conduct, but repeated behavior may result in a violation.

(b) Educational project. The student is required to complete an educational project designed to create an awareness about the student's behavior.

(c) Community service. Assignment of labor or responsibilities to any student or student organization within the university or local community may be imposed up to a maximum of eighty hours per student or per member of an organization.

~~((a))~~ (d) Disciplinary probation. This may include the imposition of) Disciplinary probation means formal conditions ((for any)) are imposed on a student's ((or student organization)) continued attendance at the university for a specific period of time. ((If any condition of the probation is violated, this will constitute a new violation.)) Disciplinary probation serves as a warning that future misconduct may result in more severe sanctions.

~~((e))~~ (e) Restitution. ((This)) Restitution may include reimbursement for damaged or stolen property and any medical expenses ((resulting from the violation(s))) incurred by a person injured as a result of the student's or student organization's misconduct.

~~((d))~~ Fines: Monetary fines up to five thousand dollars for any student organization or two hundred fifty dollars for any student may be imposed.))

~~((e))~~ (f) No contact order. ((P)) This may include a prohibition of direct or indirect physical and/or verbal contact with another individual or group ((may be imposed)).

~~((f))~~ Assessment: Referral for drug/alcohol or psychological assessment may be required. Results of the assessment may be shared with the conduct administrator and conduct board. If the assessment by the counselor or physician recommends any condition(s), those recommendations may become conditions of the sanction. If the assessment indicates that the student is not capable of functioning within the university community, the student will be suspended until further assessment recommends that the student is capable of reentering the university.))

(g) Loss of privileges. ((or exclusion from activities including.)) Loss of the right to reside in a specific housing unit or in any university-owned or approved housing, ((may be imposed; exclusion from participation in designated privileges and)) or loss of the right to participate in extracurricular activities for a specific periods of time ((may also be imposed)).

(h) Loss of recognition or charter. ((:)) A student organization's ((may have its)) recognition or charter ((withdrawn)) may be withheld~~((, either))~~ permanently or for a specific period of time. ((Loss of recognition can include loss of a) Δ fraternity~~((s))~~ or sorority~~((s eligibility to provide approved freshman housing))~~ may be prohibited from housing freshmen.

~~((i))~~ Censure: This is a written reprimand for any violation of university policy or campus regulation, including explicit notice to the student or student organization that con-

~~tinued or repeated violation of any policy or regulation may be cause for further disciplinary proceedings.))~~

~~((j))~~ (i) Hold on transcript and/or registration. ((:)) This is a temporary measure restricting release of a student's transcript or access to registration. Upon satisfactory completion of the conditions of the sanction, the hold shall be released.

(j) Revocation of degree. A student's degree may be revoked if it was falsely or fraudulently obtained, or if the student was dismissed from the university based on his or her misconduct.

~~((k))~~ Negative notation on transcript: Entry of violation on the student's academic record may be made for suspension or expulsion.))

~~((h))~~ (k) Suspension. ((This is termination of)) The student ((status for a given)) is suspended for a specific period of time. Upon satisfactory completion of stated conditions, reinstatement shall be granted. A student may be excluded from specific areas of campus for safety reasons.

(l) Dismissal. The student's enrollment is immediately terminated. Dismissal means that a student's academic relationship with the university is permanently ended.

~~((m))~~ Expulsion: This is termination of student status for an indefinite period.))

~~((2))~~ Any student who has been suspended or expelled may be excluded from specific areas of campus when there is a reasonable cause to believe that the student's presence there will lead to physical abuse, threats of violence, or conduct which threatens the health and safety of any person on university-owned or controlled property, in university-approved housing, or at an official event, or other conduct which interferes with the orderly functioning of the university.))

~~((3))~~ (m) Special sanctions for hazing. Pursuant to RCW ((28B.10.901)) 28B.10.902, additional sanctions will be imposed in cases where there is a finding of responsibility for hazing ((when the hazing amounts to any method of initiation into a student organization or living group, or any pastime or amusement engaged in with respect to such an organization or living group that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any person attending Washington State University. The additional sanctions that will be imposed upon such a finding will be as follows)) as provided in RCW 28B.10.900 and WAC 504-25-035 as amended:

~~((a))~~ (i) A person who participates in the hazing of another shall forfeit any entitlement to state-funded grants, scholarships, or awards for a specific period of time ((determined by the administrative hearing officer or the university conduct board)).

~~((b))~~ (ii) Any organization, association, or student living group that knowingly permits hazing to be conducted by its members or by others subject to its direction or control shall be deprived of any official recognition or approval granted by ((a public institution of higher education)) Washington State University.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 504-25-231 Reconsideration of final orders. (1)

A student or student organization may file a written request for reconsideration with the university appeal board within fourteen calendar days from the date of the university's final order.

(a) The written request for reconsideration shall state the specific basis for the request.

(b) The request for reconsideration is intended to correct obvious mistakes in the order and is not an opportunity to reargue the case.

(c) A request for reconsideration is not a prerequisite for obtaining judicial review with a court of law and denial of the request is not subject to judicial review.

(d) The university appeal board has ten calendar days from the date of the request to consider the request for reconsideration. The university appeal board shall issue one of the following orders in response to the request:

- (i) Deny the request;
- (ii) Grant the request; or
- (iii) Dissolve or modify the sanctions.

AMENDATORY SECTION (Amending WSR 95-07-045, filed 3/8/95, effective 4/8/95)

WAC 504-25-245 Records. (1) ~~Disciplinary ((proceedings against individuals and related records, but not those against student groups or living groups, and records are confidential. The office of the vice provost for student affairs)) records will be ((maintain disciplinary records)) maintained for a minimum of seven years in accordance with the university's retention schedule. ((Disciplinary records will be made available to hearing boards and university personnel, as needed.))~~

(2) The disciplinary record is confidential.

~~((2))~~ (3) ((Any)) student may ((review)) request a copy of his((s)) or her own disciplinary records ((by contacting)) at his or her own reasonable expense by making a written request to the office of ((the vice provost for)) student affairs.

(a) Personally-identifiable student information shall be redacted to protect another student's privacy rights.

(4) A student may authorize the release of his/her own disciplinary record to a third party in compliance with the Federal Educational Rights and Privacy Act (FERPA) by making a written request to the office of student affairs.

(a) Identifying student information shall be redacted to protect another student's privacy rights.

~~((3))~~ (5) ((Any)) The university may inform an alleged victim ((may be informed)) of the ((result)) outcome of any disciplinary proceeding involving a crime of violence as defined by Federal Educational Rights and Privacy Act (FERPA).

~~((4))~~ (6) ((Except as outlined in these procedures, t)) The university ((will)) may not communicate a student's disciplinary record to any person or agency outside the univer-

sity without the prior written consent of the student, except as required or permitted by law.

(a) The student's parents or legal guardians may review a student's disciplinary record if the student is a minor or a dependent for tax purposes as defined by the Federal Educational Rights and Privacy Act (FERPA).

(b) The university provides annual notification of a student's privacy rights in accordance with federal law.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

The following sections of the Washington State Administrative Code are repealed:

WAC 504-25-005	Prologue.
WAC 504-25-010	Introduction.
WAC 504-25-210	Disciplinary procedures.
WAC 504-25-225	The hearing.
WAC 504-25-220	Students charged with violations of the standards of conduct.
WAC 504-25-235	Appeals.
WAC 504-25-240	Other interventions.

WSR 02-15-082
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)

[Filed July 15, 2002, 4:01 p.m.]

Date of Adoption: July 10, 2002.

Purpose: To meet the requirements of the centers for Medicare and Medicaid services (CMS), the department is amending home health services sections in chapter 388-551 WAC that refer to "homebound" criteria. The rules also update rule content for the home health program, including the addition of a new section, and reflect current department policy and business practices. The department is also changing references to "Plan of treatment (POT)" to "Plan of care (POC)" to be consistent with Department of Health (DOH) rules.

Citation of Existing Rules Affected by this Order: Amending WAC 388-551-2000, 388-551-2010, 388-551-2020, 388-551-2100, 388-551-2110, 388-551-2120, 388-551-2130, 388-551-2200, 388-551-2210, and 388-551-2220.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520, 74.09.530, and 74.09.500.

Adopted under notice filed as WSR 02-08-089 on April 3, 2002.

Changes Other than Editing from Proposed to Adopted Version: Deletions are indicated by ~~strike through~~ and additions by underline:

WAC 388-551-2010 Home health services—Definitions.

1. "Home health aide" means an individual registered or certified as a nursing assistant under chapter 18.88 RCW who, under the direction and supervision of a registered nurse or licensed therapist, assists in the delivery of nursing or therapy related activities, or both, ~~to patients of a home health or hospice agency, or hospice care center.~~

Clarifies that the definition for "home health aide" is defined for the purposes of MAA's Home Health Program by deleting references "to patients of a home health or hospice agency or hospice care center."

2. "Home health aide services" means services provided by a home health aide only when a client has an acute, intermittent, short-term need for the services of a registered nurse, physical therapist, occupational therapist, or speech therapist who is employed by or under contract with a home health agency. Such services are provided under the supervision of the previously identified authorized practitioners; and include, but are not limited to, ambulation and exercise, assistance with self-administered medications, reporting changes in a client's condition and needs, and completing appropriate records.

Clarifies what home health aide services include.

3. "Residence" means a client's home or place of living, ~~including an adult family home and/or boarding home, but not including a hospital, skilled nursing facility, or residential facility with skilled nursing services available (See WAC 388-551-2030 (2)(g)(ii) for clients in residential facilities whose home health services are not covered through MAA's home health program.)~~

Clarifies the definition of "residence" to include residential facilities that house clients whose home health services are not covered through MAA's Home Health Program.

WAC 388-551-2020 Home health services—Eligible clients.

4. (1) Clients in the following fee-for-service MAA programs are eligible to receive home health services subject to the limitations described in this chapter. Clients enrolled in a healthy options managed plan receive all home health services through their designated plan; ~~subject to the plan's coverages and limitations.~~

Clarifies that a client eligible under a Healthy Options managed care plan receives all home health services through their designated plan.

5. (2) ~~Clients in the following emergency only MAA programs are eligible to receive home health services, subject to the limitations described in this chapter. Coverage is limited to two skilled nursing visits per eligibility~~

~~enrollment period. Specialized therapy services and home health aide visits are not covered.~~

- (a) ~~CNP emergency medical only; and~~
- (b) ~~LCP-MNP emergency medical only.~~

~~See WAC 388-551-2100(3) for limitations of coverage under these programs.~~

MAA does not cover home health services under the home health program for clients in the CNP-emergency medical only and LCP-MNP-emergency medical only programs. MAA evaluates a request for home health skilled nursing visits on a case-by-case basis under the provisions of WAC 388-501-0165, and may cover up to two skilled nursing visits within the eligibility enrollment period if the following criteria are met:

- (a) The client requires hospital care due to an emergent medical condition as described in WAC 388-500-0005; and
- (b) MAA authorizes up to two skilled nursing visits for follow-up care related to the emergent medical condition.

Clarifies that MAA evaluates requests for home health services for clients receiving medical benefits under the CNP-emergency medical only and LCP-MNP-emergency medical only programs under the provisions of WAC 388-501-0165 and lists the limitations of coverage.

WAC 388-551-2030 Home health skilled services—Requirements.

6. (2)(g) Be provided in the client's residence, ~~as defined in WAC 388-551-2010.~~
 - (i) MAA does not reimburse for services if provided....
 - (ii) Clients in residential facilities contracted with the state and paid by other programs such as home and community programs to provide limited skilled nursing services, are not eligible for MAA-funded limited skilled nursing services unless the services are prior authorized under the provisions of WAC 388-501-0165.

Clarifies that clients in residential facilities contracted with the state and paid by other programs to provide limited skilled nursing services are not eligible for MAA-funded limited skilled nursing services unless the services are prior authorized under the provisions of WAC 388-501-0165.

7. (2)(h) Be provided by:
 - (i) A home health agency that is Title XVIII (Medicare) certified and state-licensed;
 - (ii) A registered nurse (RN) prior authorized by MAA when no home health agency exists in the area a client resides; or
 - (iii) An RN authorized by MAA when the RN is unable to contract with a Medicare-certified home health agency.

Deletes "and state-licensed" in subsection (2). If the agency is Medicare-certified, the agency is state-licensed. Adds (i) and (ii) to (h) in subsection (2) to identify other providers that may provide home health services under the Home Health Program.

WAC 388-551-2100 Covered home health services—Nursing.

- 8. (3) MAA limits skilled nursing visits provided to eligible clients to two per day, ~~except clients eligible under either of the emergency medical programs listed in WAC 388-551-2020 (2)(a) and (b) are limited to two skilled nursing visits within the eligibility enrollment period.~~

Deletes the limitations for clients eligible under the CNP-emergency medical only and LCP-MNP-emergency medical only programs. MAA does not cover home health services under the Home Health Program for these clients except under the provisions of WAC 388-501-0165. Added language to clarify this policy in WAC 388-551-2020(2).

WAC 388-551-2200 Home health services—Eligible providers.

- 9. ~~A home health agency may contract with MAA to be a provider if the agency~~ The following may contract with MAA to provide home health services through the home health program, subject to the restrictions or limitations in this section and other applicable published WAC:
 - (1) A home health agency that:
 - (a) Is Title XVIII (Medicare) certified;
 - (2) (b) Is department of health (DOH) licensed as a home health agency;
 - (3) ~~Meets DOH requirements;~~
 - (4) (c) Submits a completed, signed core provider agreement to MAA; and
 - (5) (d) Is assigned a provider number.

Deletes subsection that is not necessary.

- 10. (2) A registered nurse (RN) who:
 - (a) Is prior authorized by MAA to provide intermittent nursing services when no home health agency exists in the area a client resides;
 - (b) Is unable to contract with a Medicare-certified home health agency;
 - (c) Submits a completed, signed core provider agreement to MAA; and
 - (d) Is assigned a provider number.

Adds language that clarifies when a registered nurse may provide intermittent nursing services under the Home Health Program.

WAC 388-551-2210 Home health services—Provider requirements.

- 11. (2)(a) The client's name, date of birth, and address (to include name of residential care facility, if applicable);
 - (a)(b) The primary diagnosis...;
 - (b)(c) All secondary medical diagnoses...;
 - (c)(d) The prognosis;
 - (d)(e) The type(s) of equipment required;
 - (e)(f) A description of each planned service...;
 - (f)(g) Specific procedures and modalities;
 - (g)(h) A description of the client's mental status;

- (h)(i) A description of the client's rehabilitation potential;
- (i)(j) A list of permitted activities;
- (j)(k) A list of safety measures taken on behalf of the client; and
- (k)(l) A list of medication which indicates:
 - (i) A new prescription; and
 - (ii) Which medications are changed for dosage or route of administration.

Adds criteria the provider must include in the client's plan of care (POC).

- 12. (6)(c) Referral to a wound care specialist, if wound If a client's wound is not healing, the client's physician has been notified, the client's wound management program has been appropriately altered and, if possible, the client has been referred to a wound care specialist; and

Clarifies that it must be documented in the client's plan of care that a client's physician must be notified when the client's wound is not healing, that the client's wound management program has been appropriately altered, and that the client has been referred to a wound care specialist, if appropriate.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 1, Amended 10, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 10, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 10, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-16-069, filed 8/2/99, effective 9/2/99)

WAC 388-551-2000 Home health services—General.
The purpose of the medical assistance administration (MAA) home health program is to reduce the costs of health care services by providing equally effective, ~~((more conservative, and/or less costly treatment in a client's home))~~ less restrictive quality care to the client in the client's residence, subject to the restrictions and limitations in this subchapter.

~~((Home health services consist of skilled nursing and specialized therapies provided in a client's residence. Home health aide services may be provided in addition to these services. The client must be homebound, as determined by documentation submitted to MAA during the client's focused~~

PERMANENT

~~program review period:))~~ Home health skilled services are provided ((are)) for acute, intermittent, short-term, and intensive courses of treatment. See chapter 388-515 and 388-71 WAC for programs administered to clients ((needing)) who need chronic, long-term maintenance care.

AMENDATORY SECTION (Amending WSR 99-16-069, filed 8/2/99, effective 9/2/99)

WAC 388-551-2010 Home health services—Definitions. ~~((Words)) The following definitions and abbreviations ((in bold have the following definitions for this chapter. See also chapter 388-500 WAC for other definitions and abbreviations used by the department.)) and those found in WAC 388-500-0005 apply to this subchapter:~~

"Acute care" means care provided by a home health agency for clients who are not medically stable or have not attained a satisfactory level of rehabilitation. These clients require frequent intervention by a registered nurse or licensed therapist.

"Brief skilled nursing visit" means a registered nurse, or a licensed practical nurse under the supervision of a registered nurse, performs only one of the following activities during a visit to a client:

- (1) An injection;
- (2) Blood draw; or
- (3) Placement of medications in containers.

"Chronic care" means long-term care for medically stable clients.

"Full skilled nursing visit" means a registered nurse, or a licensed practical nurse under the supervision of a registered nurse, performs one or more of the following activities during a visit to a client:

- (1) Observation;
- (2) Assessment;
- (3) Treatment;
- (4) Teaching;
- (5) Training;
- (6) Management; and
- (7) Evaluation.

"Home health agency" means an agency or organization certified under Medicare to provide comprehensive health care on ((a)) an intermittent or part-time ((or intermittent)) basis to a patient in the patient's place of residence.

"Home health aide" means an individual registered or certified as a nursing assistant under chapter 18.88 RCW who, under the direction and supervision of a registered nurse or licensed therapist, assists in the delivery of nursing or therapy related activities, or both.

"Home health aide services" means services provided by a home health aide only when a client has an acute, intermittent, short-term need for the services of a registered nurse, physical therapist, occupational therapist, or speech therapist who is employed by or under contract with a home health agency. Such services are provided under the supervision of the previously identified authorized practitioners and include, but are not limited to, ambulation and exercise, assistance with self-administered medications, reporting changes in a

client's condition and needs, and completing appropriate records.

"Home health skilled services" means skilled health care (nursing, specialized therapy, and home health aide) services provided in the client's residence on ((a part-time or)) an intermittent or part-time basis by a ((Title XVIII Medicare and Title XIX Medicaid home health provider)) Medicare-certified home health agency with a current medical assistance administration (MAA) provider number. See also WAC 388-551-2000.

~~(("Homebound" means a physician has certified that the client is medically or physically confined to the home, and under normal circumstances, lacks the ability to leave home without a considerable and taxing effort. The client may be considered homebound if absences from the home are infrequent or for periods of relatively short duration, or are attributable to the need to receive medical treatment.))~~

"Long-term care" is a generic term referring to various programs and services, including services provided in home and community settings, administered directly or through contract by the department's aging and adult services administration (AASA) or division of developmental disabilities (DDD).

"Plan of ((treatment (POT))) care (POC)" (also known as "plan of ((care (POC))) treatment (POT)") means a written plan of ((treatment)) care that is established and periodically reviewed and signed by both a physician and a home health agency provider((, that)). The plan describes the home health care to be provided at the client's residence. See WAC 388-551-2210.

"Residence" means a client's home or place of living ((not including a hospital, skilled nursing facility, or residential facility with skilled nursing services available)). (See WAC 388-551-2030 (2)(g)(ii) for clients in residential facilities whose home health services are not covered through MAA's home health program.)

"Review period" means the three-month period the medical assistance administration (MAA) assigns to a home health agency, based on the address of the agency's main office, during which MAA reviews all claims submitted by that agency.

"Specialized therapy" means skilled therapy services provided to ((homebound)) clients ((which)) that include((s)):

- (1) Physical;
- (2) Occupational; or
- (3) Speech/audiology services.

(See WAC 388-551-2110.)

AMENDATORY SECTION (Amending WSR 99-16-069, filed 8/2/99, effective 9/2/99)

WAC 388-551-2020 Home health services—Eligible clients. (1) Clients in the following fee-for-service MAA programs are eligible to receive home health services subject to the limitations described in this chapter. ~~((Chapter 388-551 WAC does not apply to))~~ Clients enrolled in ((MAA's)) a healthy options managed care ((plans)) plan receive all home health services through their designated plan.

- (a) Categorically needy program (CNP);
- (b) Limited casualty program - medically needy program (LCP-MNP);
- (c) General assistance expedited (GA-X) (disability determination pending); and
- (d) Medical care services (MCS) under the following programs:

- (i) General assistance - unemployable (GA-U); and
- (ii) Alcoholism and drug addiction treatment and support act (ADATSA) (GA-W).

~~(2) ((Clients in the following emergency only MAA programs are eligible to receive home health services subject to the limitations described in this chapter. Coverage is also limited to two skilled nursing visits per eligibility enrollment period. Specialized therapy services and home health aide visits are not covered:~~

~~(a) Categorically needy program (CNP) — emergency only.~~

~~(b) Limited casualty program — medically needy program (LCP-MNP) — emergency only)) MAA does not cover home health services under the home health program for clients in the CNP-emergency medical only and LCP-MNP-emergency medical only programs. MAA evaluates a request for home health skilled nursing visits on a case-by-case basis under the provisions of WAC 388-501-0165, and may cover up to two skilled nursing visits within the eligibility enrollment period if the following criteria are met:~~

~~(a) The client requires hospital care due to an emergent medical condition as described in WAC 388-500-0005, and~~

~~(b) MAA authorizes up to two skilled nursing visits for follow-up care related to the emergent medical condition.~~

NEW SECTION

WAC 388-551-2030 Home health skilled services—Requirements. (1) MAA reimburses for covered home health skilled services provided to eligible clients, subject to the restrictions or limitations in this section and other applicable published WAC.

(2) Home health skilled services provided to eligible clients must:

(a) Meet the definition of "acute care" in WAC 388-551-2010.

(b) Provide for the treatment of an illness, injury, or disability.

(c) Be medically necessary as defined in WAC 388-500-0005.

(d) Be reasonable, based on the community standard of care, in amount, duration, and frequency.

(e) Be provided under a plan of care (POC), as defined in WAC 388-551-2010 and described in WAC 388-551-2210. Any statement in the POC must be supported by documentation in the client's medical records.

(f) Be used to prevent placement in a more restrictive setting. In addition, the client's medical records must justify the medical reason(s) that the services should be provided in the client's residence instead of a physician's office, clinic, or other outpatient setting. This includes justification for services for a client's medical condition that requires teaching

that would be most effectively accomplished in the client's home on a short-term basis.

(g) Be provided in the client's residence((±)).

(i) MAA does not reimburse for services if provided at the workplace, school, child day care, adult day care, skilled nursing facility, or any other place that is not the client's place of residence.

(ii) Clients in residential facilities contracted with the state and paid by other programs such as home and community programs to provide limited skilled nursing services, are not eligible for MAA-funded limited skilled nursing services unless the services are prior authorized under the provisions of WAC 388-501-0165.

(h) Be provided by:

(i) A home health agency that is Title XVIII (Medicare) certified;

(ii) A registered nurse (RN) prior authorized by MAA when no home health agency exists in the area a client resides; or

(iii) An RN authorized by MAA when the RN is unable to contract with a Medicare-certified home health agency.

Reviser's note: The unnecessary underscoring and deletion in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 99-16-069, filed 8/2/99, effective 9/2/99)

WAC 388-551-2100 Covered home health services—Nursing. (1) MAA covers home health acute care skilled nursing services ((involve observation, assessment, treatment, teaching, training, management and/or evaluation requiring the skills of:

~~(a) A registered nurse; or~~

~~(b) A licensed practical nurse under the supervision of a registered nurse.~~

~~(2) MAA may pay for up to two skilled nursing visits per day. See WAC 388-551-2220 (3), (4) and (5).~~

~~(3) Coverage for home health nursing services is limited to homebound clients, except as listed in subsection (4) of this section.~~

~~(4) MAA covers home health nursing services for non-homebound clients on a limited basis only when the client is unable to access similar services in a less costly setting, as documented by the provider and approved by MAA.~~

~~(5) A brief skilled nursing visit occurs when only one of the following activities is performed during a visit:~~

~~(a) An injection or blood draw;~~

~~(b) Placement of oral medications in containers (e.g., envelopes, cups, medisets); or~~

~~(c) A prefill of insulin syringes.~~

~~(6) MAA may cover brief skilled nursing visits for a client with chronic needs, for a short time, until a long term care plan is implemented.~~

~~(7) MAA limits services provided to a client enrolled in either of the emergency medical programs listed in WAC 388-551-2020 (2)(a) and (b), to two skilled nursing visits within their eligibility enrollment period.~~

~~(8) To receive infusion therapy clients must:~~

~~(a) Be willing and capable of learning and managing their infusion care; or~~

~~(b) Have a caregiver willing and capable of learning and managing the client's infusion care.~~

~~(9) MAA covers infant phototherapy:~~

~~(a) For up to five skilled nursing visits per infant;~~

~~(b) When provided by a Medicaid approved infant phototherapy agency; and~~

~~(c) When the infant is diagnosed with hyperbilirubinemia.~~

~~(10) MAA covers limited high-risk obstetrical services:~~

~~(a) For a medical condition that complicates pregnancy and may result in a poor outcome for the mother, unborn, or newborn;~~

~~(b) During the span of home health agency services, if enrollment in or referral to the following providers of First Steps has been verified:~~

~~(i) Maternity support services (MSS); or~~

~~(ii) Maternity case management (MCM);~~

~~(c) When provided by a registered nurse who has either:~~

~~(i) National prenatal certification; or~~

~~(ii) A minimum of one year of labor, delivery, and postpartum experience at a hospital within the last five years; and~~

~~(d) For up to three home health visits per pregnancy)) listed in this section when furnished by a qualified provider. MAA evaluates a request for covered services that are subject to limitations or restrictions, and approves such services beyond those limitations or restrictions when medically necessary, under the standard for covered services in WAC 388-501-0165.~~

~~(2) MAA covers the following home health acute care skilled nursing services, subject to the limitations in this section:~~

~~(a) Full skilled nursing services that require the skills of a registered nurse or a licensed practical nurse under the supervision of a registered nurse if the services involve one or more of the following:~~

~~(i) Observation;~~

~~(ii) Assessment;~~

~~(iii) Treatment;~~

~~(iv) Teaching;~~

~~(v) Training;~~

~~(vi) Management; and~~

~~(vii) Evaluation.~~

~~(b) A brief skilled nursing visit if only one of the following activities is performed during the visit:~~

~~(i) An injection;~~

~~(ii) Blood draw; or~~

~~(iii) Placement of medications in containers (e.g., envelopes, cups, medisets).~~

~~(c) Home infusion therapy only if the client:~~

~~(i) Is willing and capable of learning and managing the client's infusion care; or~~

~~(ii) Has a volunteer caregiver willing and capable of learning and managing the client's infusion care.~~

~~(d) Infant phototherapy for an infant diagnosed with hyperbilirubinemia:~~

~~(i) When provided by an MAA-approved infant phototherapy agency; and~~

~~(ii) For up to five skilled nursing visits per infant.~~

~~(e) Limited high-risk obstetrical services:~~

~~(i) For a medical diagnosis that complicates pregnancy and may result in a poor outcome for the mother, unborn, or newborn;~~

~~(ii) For up to three home health visits per pregnancy if:~~

~~(A) Enrollment in or referral to the following providers of First Steps has been verified:~~

~~(I) Maternity support services (MSS); or~~

~~(II) Maternity case management (MCM); and~~

~~(B) The visits are provided by a registered nurse who has either:~~

~~(I) National perinatal certification; or~~

~~(II) A minimum of one year of labor, delivery, and postpartum experience at a hospital within the last five years.~~

~~(3) MAA limits skilled nursing visits provided to eligible clients to two per day.~~

AMENDATORY SECTION (Amending WSR 99-16-069, filed 8/2/99, effective 9/2/99)

WAC 388-551-2110 ((Covered)) Home health services—Specialized therapy. (1) MAA ((may pay for up to one)) limits specialized therapy ((visit)) visits to one per client, per day, per type of specialized therapy. Specialized therapy is defined in WAC 388-551-2010.

(2) ((To receive)) MAA does not allow duplicate services for any specialized therapy ((services, a client must be homebound)) for the same client when both providers are performing the same or similar procedure(s).

AMENDATORY SECTION (Amending WSR 99-16-069, filed 8/2/99, effective 9/2/99)

WAC 388-551-2120 Home health aid services((—Aides)). (1) MAA ((may pay for up to one)) limits home health aide ((visit)) visits to one per day.

(2) MAA ((pays)) reimburses for home health aide services, as defined in WAC 388-551-2010, only when the services are provided under the supervision of, and in conjunction with, practitioners who provide:

(a) Skilled nursing services; or

(b) Specialized therapy services.

(3) MAA covers home health aide services only when a registered nurse or licensed therapist visits the client's residence at least once every fourteen days to monitor or supervise home health aide services, with or without the presence of the home health aide.

AMENDATORY SECTION (Amending WSR 99-16-069, filed 8/2/99, effective 9/2/99)

WAC 388-551-2130 Noncovered home health services((—Noncovered)). (1) MAA does not cover the following home health services ((and expenses)) under the home health program, unless otherwise specified:

(a) ((Medical)) Chronic long-term care skilled nursing visits or specialized therapy visits for a medically stable client when a long-term care skilled nursing plan or specialized therapy plan is in place through the department of social and

health services aging and adult services administration (AASA) or division of developmental disabilities (DDD).

(i) MAA considers requests for interim chronic long-term care skilled nursing services or specialized therapy services for a client while the client is waiting for AASA or DDD to implement a long-term care skilled nursing plan or specialized therapy plan; and

(ii) On a case-by-case basis, MAA may authorize long-term care skilled nursing visits or specialized therapy visits for a client for a limited time until a long-term care skilled nursing plan or specialized therapy plan is in place. Any services authorized are subject to the restrictions and limitations in this section and other applicable published WACs.

(b) Social work services(;

~~(b))~~;

(c) Psychiatric skilled nursing services(;

~~(c))~~;

(d) Pre- and postnatal skilled nursing services, except as listed under WAC 388-551-2100(~~(4)~~);

(e) Additional administrative costs billed above the visit rate (these costs are included in the visit rate and may not be billed separately);) (2)(e).

(e) Well-baby follow-up care(;

(f) Services performed in hospitals, correctional facilities, skilled nursing facilities, or a residential facility with skilled nursing services available(;

(g) Home health aide services that are not provided in conjunction with skilled nursing or specialized therapy services(;

(h) Health care for a medically stable client (e.g., one who does not have an acute episode, a disease exacerbation, or treatment change)(;

(i) Home health specialized therapies and home health aide visits for clients in the following programs:

(i) CNP - emergency medical only; and

(ii) LCP-MNP - emergency medical only(;

(j) Skilled nursing visits for a client when a home health agency cannot safely meet the medical needs of that client within home health services program limitations (e.g., for a client to receive infusion therapy services, the caregiver must be willing and capable of managing the client's care)(;

(k) More than one of the same type of specialized therapy and/or home health aide visit per day(;

(l) MAA does not reimburse for duplicate services for any specialized therapy for the same client when both providers are performing the same or similar procedure(s).

(m) Home health visits made without a written physician's order, unless the verbal order is:

(i) (~~Written~~) Documented prior to (~~or on the date of~~) the visit; and

(ii) The document is signed by the physician within forty-five days of the order being given.

(2) MAA does not cover additional administrative costs billed above the visit rate (these costs are included in the visit rate and will not be paid separately).

(3) MAA evaluates a request for any service that is listed as noncovered under the provisions of WAC 388-501-0165.

AMENDATORY SECTION (Amending WSR 99-16-069, filed 8/2/99, effective 9/2/99)

WAC 388-551-2200 Home health services—Eligible providers. The following may contract with MAA to provide home health services through the home health program, subject to the restrictions or limitations in this section and other applicable published WAC:

(1) A home health (~~provider may contract with MAA to be a Medicaid provider if the provider~~) agency that:

(a) Is Title XVIII (Medicare) certified (~~and~~);

(b) Is department of health (DOH) licensed (~~by the state~~) as a home health agency(~~— Providers must have an active Medicaid provider number to bill MAA~~);

(c) Submits a completed, signed core provider agreement to MAA; and

(d) Is assigned a provider number.

(2) A registered nurse (RN) who:

(a) Is prior authorized by MAA to provide intermittent nursing services when no home health agency exists in the area a client resides;

(b) Is unable to contract with a Medicare-certified home health agency;

(c) Submits a completed, signed core provider agreement to MAA; and

(d) Is assigned a provider number.

AMENDATORY SECTION (Amending WSR 99-16-069, filed 8/2/99, effective 9/2/99)

WAC 388-551-2210 Home health services—Provider(~~s~~) requirements. For any delivered home health service to be payable, MAA requires home health providers to develop and implement an individualized plan of (~~treatment (POT)~~) care (POC) for the client.

(1) The (~~POT~~) POC must:

(a) Be documented in writing and be located in the client's home health medical record;

(b) Be developed (~~and~~), supervised, and signed by a licensed registered nurse or licensed therapist;

(c) Reflect the physician's orders and client's current health status;

(d) Contain specific goals and treatment plans;

(e) Be reviewed and revised by a physician at least every sixty(~~two~~) calendar days (~~and~~), signed by a physician within forty-five days of the verbal order, and returned to the home health agency's file;

~~((e) Contain specific goals and treatment plans;)) and~~

(f) Be available to department staff or its designated contractor(s) on request.

(2) The provider must include in the (~~POT~~) POC all of the following:

(a) The client's name, date of birth, and address (to include name of residential care facility, if applicable);

(b) The primary diagnosis (the diagnosis that is most related to the reason the client qualifies for home health services) or the diagnosis that is the reason for the visit frequency;

~~((b) The))~~

~~(c) All secondary medical diagnoses ((and prognosis)), including date(s) of onset or exacerbation;~~

~~((e) A discharge plan)~~

~~(d) The prognosis;~~

~~((d)) (e) The type(s) of equipment required;~~

~~((e)) (f) A description of each planned service and goals related to the services provided;~~

~~((f)) (g) Specific procedures and modalities;~~

~~((g)) (h) A description of the client's mental status;~~

~~((h)) (i) A description of the client's rehabilitation potential;~~

~~((i)) (j) A list of permitted activities;~~

~~((j)) (k) A list of safety measures taken on behalf of the client; and~~

~~((k)) (l) A list of medications which indicates:~~

~~(i) Any new prescription ((prescribed)); and~~

~~(ii) Which medications are changed for dosage or route of administration.~~

(3) The provider must include in or attach to the ~~((POF))~~ POC:

(a) A description of the client's functional limits and the effects;

(b) Documentation that justifies why the medical services should be provided in the client's residence instead of a physician's office, clinic, or other outpatient setting;

~~(c) Significant clinical findings;~~

~~((e)) (d) Dates of recent hospitalization; ((and~~

~~(d) If the client is not homebound, a description of why home health services are necessary. The description must include:~~

~~(i) A written statement noting coordination with, or referral to, the client's department of social and health services assigned case manager; or~~

~~(ii) An assessment of the client and the client's access to community resources, including attempts to use appropriate alternatives to meet the client's home health needs))~~

(e) Notification to the DSHS case manager of admission; and

(f) A discharge plan, including notification to the DSHS case manager of the planned discharge date and client disposition at time of discharge.

(4) The individual client medical record must comply with community standards of practice, and must include documentation of:

(a) Visit notes for every billed visit;

~~((per))~~ (b) Supervisory visits for home health aide services as described in WAC 388-551-2120(3);

~~((b))~~ (c) All medications administered and treatments provided;

~~((e))~~ (d) All physician orders, new orders, and change orders, with notation that the order was received prior to treatment;

~~((d))~~ (e) Signed physician new orders and change orders;

~~((e))~~ (f) Home health aide services as indicated by a registered nurse or licensed therapist in a home health aide care plan;

~~((f))~~ (g) Interdisciplinary and multidisciplinary team communications;

~~((g))~~ (h) Inter-agency and intra-agency referrals;

~~((h))~~ (i) Medical tests and results; ~~((and~~

~~((i))~~ (j) Pertinent medical history; and

(k) Notations and charting with signature and title of writer.

(5) The provider must document at least the following in the client's medical record:

(a) Skilled interventions per the ~~((POF))~~ POC;

(b) Client response to the POC;

~~(c)~~ Any clinical change in client status;

~~((e))~~ (d) Follow-up interventions specific to a change in status with significant clinical findings; and

~~((d))~~ (e) Any communications with the attending physician.

(6) The provider must include the following documentation in the client's visit notes when appropriate:

(a) Any teaching, assessment, management, evaluation, ~~((patient))~~ client compliance, and client response;

(b) Weekly documentation of wound care, size (dimensions), drainage, color, odor, and identification of potential complications and interventions provided; ~~((and))~~

(c) If a client's wound is not healing, the client's physician has been notified, the client's wound management program has been appropriately altered and, if possible, the client has been referred to a wound care specialist; and

(d) The client's physical system assessment as identified in the ~~((POF))~~ POC.

AMENDATORY SECTION (Amending WSR 99-16-069, filed 8/2/99, effective 9/2/99)

WAC 388-551-2220 Home health services—Provider(s) payments. (1) In order to be reimbursed, the home health provider must bill MAA according to the conditions of payment under WAC 388-502-0150 and other issuances.

(2) Payment to home health providers is:

(a) A set rate per visit ~~((rate))~~ for each discipline provided to a client;

(b) Based on the county location of the providing home health agency; and

(c) Updated by general vendor rate changes.

~~((2))~~ (3) For clients eligible for both Medicaid and Medicare, MAA may pay for services described in this chapter only when Medicare does not cover those services. The maximum payment for each service is Medicaid's maximum payment.

~~((3))~~ (4) Providers must submit documentation to ~~((the department during any MAA focused program))~~ MAA during the home health agency's review period. Documentation includes, but is not limited to, the requirements listed in WAC 388-551-2210.

~~((4))~~ (5) After MAA receives the documentation, the MAA((s)) medical director or designee reviews the client's medical records for program compliance and quality of care.

~~((5))~~ (6) MAA may take back or deny payment for any insufficiently documented home health care service when the MAA medical director or designee determines that:

(a) The service ~~((was not medically necessary (defined in WAC 388-500-0005) or reasonable;~~

~~(b) Clients were able to receive care outside of the home (see definition of homebound in this chapter and WAC 388-551-2100(3)); or~~

~~(e)) did not meet the conditions described in WAC 388-550-2030; or~~

(b) The service was not in compliance with program policy.

((6)) (7) Covered home health services for clients enrolled in a Healthy Options managed care plan are paid for by that plan.

WSR 02-15-098
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Children's Administration)
 [Filed July 16, 2002, 4:26 p.m.]

Date of Adoption: July 12, 2002.

Purpose: To rewrite current CPS rules in a clear writing format, to comply with Executive Order 97-02 and to repeal outdated rules.

List of New Rules Adopted By This Order

PART A - PROGRAM DESCRIPTION

- WAC 388-15-001 What is the child protective services program?
- WAC 388-15-005 What definitions apply to these rules?
- WAC 388-15-009 What is child abuse or neglect?
- WAC 388-15-011 What is child abandonment?
- WAC 388-15-013 Who may receive child protective services?
- WAC 388-15-017 What is the responsibility of CPS regarding reports of abuse or neglect?
- WAC 388-15-021 How does CPS respond to reports of alleged child abuse or neglect?
- WAC 388-15-025 What special requirements must CPS follow for Indian children?
- WAC 388-15-029 What information may CPS share with mandated reporters?
- WAC 388-15-033 When will CPS involve local community resources?
- WAC 388-15-037 Under what circumstances may CPS place a child in out-of-home care?
- WAC 388-15-041 When will CPS involve the juvenile court?
- WAC 388-15-045 What are the department's responsibilities regarding notification of the parent or legal custodian in child protective services cases?
- WAC 388-15-049 When must the department notify the alleged perpetrator of allegations of child abuse or neglect?
- WAC 388-15-053 What steps must the department take to provide an opportunity for the parent(s), guardian, or legal custodian(s) to review case information?

WAC 388-15-057 What limitations does the department have on the disclosure of case information?

PART B - NOTIFICATION AND APPEAL OF FINDINGS

- WAC 388-15-061 What is the purpose of these rules?
- WAC 388-15-065 Does CPS have to notify the alleged perpetrator of the results of CPS investigation?
- WAC 388-15-069 How does CPS notify the alleged perpetrator of the finding?
- WAC 388-15-073 What information must be in the CPS finding notice?
- WAC 388-15-077 What happens to unfounded CPS findings?
- WAC 388-15-081 Can an alleged perpetrator challenge a CPS finding of child abuse or neglect?
- WAC 388-15-085 How does an alleged perpetrator challenge a founded CPS finding?
- WAC 388-15-089 What happens if the alleged perpetrator does not request CPS to review the founded CPS finding within twenty days?
- WAC 388-15-093 What happens after the alleged perpetrator requests CPS to review the founded CPS finding of child abuse or neglect?
- WAC 388-15-097 How does CPS notify the alleged perpetrator of the results of the CPS management review?
- WAC 388-15-101 What happens if CPS management staff changes the founded CPS finding?
- WAC 388-15-105 What happens if CPS management staff does not change the founded CPS finding?
- WAC 388-15-109 What laws and rules will control the administrative hearings held regarding the founded CPS findings?
- WAC 388-15-113 What effect does a petition for dependency have on an administrative hearing?
- WAC 388-15-117 What factors must the ALJ consider in order for the alleged abused and/or neglected child to testify at the administrative hearing?
- WAC 388-15-121 Are there issues the ALJ may not rule upon during an administrative hearing regarding a founded CPS finding?
- WAC 388-15-125 Are the administrative hearings open to the public?
- WAC 388-15-129 How does the ALJ make a decision regarding the founded CPS finding?
- WAC 388-15-133 How will the appellant be notified of the ALJ's decision?
- WAC 388-15-135 What if the appellant or the department disagrees with the decision?
- WAC 388-15-141 What happens if the ALJ rules against the department?

PERMANENT

Citation of Existing Rules Affected by this Order:
 Repealing WAC 388-15-130, 388-15-131, 388-15-132, and
 388-15-134.

Other Authority: Chapter 26.44 RCW.
 Adopted under notice filed as WSR 02-03-118 on Janu-
 ary 22, 2002.

Statutory Authority for Adoption: RCW 74.13.031,
 74.04.050.

Changes Other than Editing from Proposed to Adopted Version:

Rules as Proposed	Changes (additions underlined, deletions struck through)	Explanation of changes
WAC 388-15-005 "Administrative law judge (ALJ) is an attorney and an impartial decision-maker who presides at an administrative hearing. The office of administrative hearings, which is a state agency, employs the ALJs.	"Administrative law judge (ALJ)" is an attorney and an impartial decision-maker who presides at an administrative hearing. The office of administrative hearings, which is a state agency but not part of DSHS, employs the ALJs.	Per comments received. Makes the definition accurate.
WAC 388-15-009(5) (5) Negligent treatment or maltreatment means an act, a failure to act, or a pattern of behavior on the part of a child's parent or guardian that shows a serious disregard of the consequences to the child of such magnitude that it creates a clear and present danger to the child's health, welfare, and safety. A child does not have to suffer actual damage or physical or emotional harm to be in circumstances which create a clear and present danger to the child's health, welfare, and safety. Negligent treatment or maltreatment includes, but is not limited, to:	(5) Negligent treatment or maltreatment means an act, <u>or</u> a failure to act, or a pattern of behavior on the part of a child's parent, <u>legal custodian, or guardian, or caregiver</u> that shows a serious disregard of the consequences to the child of such magnitude that it creates a clear and present danger to the child's health, welfare, and safety. A child does not have to suffer actual damage or physical or emotional harm to be in circumstances which create a clear and present danger to the child's health, welfare, and safety. Negligent treatment or maltreatment includes, but is not limited, to:	Per comments received. Makes this rule consistent with other rules.
WAC 388-15-009 (5) (b) (b) Actions, failures to act or omissions, or patterns of behavior that result in injury to or which create a substantial risk of injury to the physical, emotional, and/or cognitive development of a child; or	(b) Actions, failures to act or omissions, or patterns of behavior that result in injury to or which create a substantial risk of injury to the physical, emotional, and/or cognitive development of a child; or	Makes rule consistent with statute.
WAC 388-15-017 (3) CPS must conduct an investigation or assessment of all reports of alleged child abuse or neglect that meet the definitions of child abuse or neglect contained in this chapter or in chapter 26.44 RCW.	(3) CPS must <u>assess or investigate</u> conduct an investigation and assessment all reports of alleged child abuse or neglect that meet the definitions of child abuse or neglect contained in this chapter or in chapter 26.44 RCW.	Per comments received. Language clarifies rule.
WAC 388-15-021 (2) CPS must begin an investigation within twenty-four hours of receipt of a report alleging child abuse or neglect in which a child is alleged to be at risk of serious and immediate harm. Based upon information contained in the report and any collateral contacts the children's administration intake worker makes the assessment of risk of serious and immediate harm.	(2) CPS must begin an investigation within twenty-four hours of receipt of a report alleging child abuse or neglect in which a child is alleged to be at risk of serious and immediate harm. Based upon information contained in the report and any collateral contacts the children's administration intake worker makes the assessment of risk of serious and immediate harm.	Per comments received. Language removed that is not covered in statute.
WAC 388-15-037 (2) CPS must attempt to place the child with a relative willing and available to care for the child, unless there is reasonable cause to believe that the health, safety or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered (see RCW 13.34.060). If a relative appears suitable and competent with good character to provide adequate care, the background check and home study of a relative may be completed as soon as possible after the child is placed (see RCW 74.15.030).	(2) CPS must attempt to place the child with a relative willing and available, to care for the child, unless there is reasonable cause to believe that the health, safety or <u>and</u> welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered (see RCW 13.34.060). If a relative appears suitable and competent with good character to provide adequate care, the background check and home study of a relative <u>may shall</u> be completed as soon as possible after the child is placed (see RCW 74.15.030).	Change makes rule consistent with statute.

PERMANENT

<p>WAC 388-15-053 (1) Notify the person or persons legally responsible for the child of the address of the office where the case record information will be on file; and (2) Give the person or persons legally responsible for the child the opportunity to read or obtain relevant parts of the case record, provided the person or persons have requested access to the information and the law does not otherwise prohibit such access (RCW 13.40.100).</p>	<p>(1) Notify the person or persons legally responsible for the child of the address of the office where the case record information will be on file; and (2) Give the person or persons legally responsible for the child the opportunity to read or obtain relevant parts of the case record, provided the person or persons have requested access to the information and the law does not otherwise prohibit such access (RCW 13.40.100).</p>	<p>Per comments received. Change clarifies without changing the meaning.</p>
<p>WAC 388-15-065 CPS must make a reasonable and good faith effort to notify the alleged perpetrator in writing of any finding made by CPS in any investigation of suspected child abuse and/or neglect.</p>	<p>CPS <u>has the duty</u> must make a reasonable and good faith effort to notify the alleged perpetrator in writing of any finding made by CPS in any investigation of suspected child abuse and/or neglect.</p>	<p>Change is consistent with statute.</p>
<p>WAC 388-15-069 (2) In cases where certified mailing may not be either possible or advisable, the CPS social worker may personally deliver the CPS finding notice to the alleged perpetrator.</p>	<p>(2) In cases where certified mailing may not be either possible or advisable, the CPS social worker may personally deliver <u>or have served</u> the CPS finding notice to the alleged perpetrator.</p>	<p>Clarifies language without changing meaning.</p>
<p>WAC 388-15-073 The CPS finding notice must inform the alleged perpetrator of the following:</p>	<p>The CPS finding notice must inform the alleged perpetrator of the <u>department's investigative finding, including the legal basis for the findings and sufficient factual information to apprise the alleged perpetrator of the date and nature of the founded reports. The notice must also contain the following:</u></p>	<p>Changes per comments received.</p>
<p>WAC 388-15-073 (3)(b) (b) If an alleged perpetrator is qualified to be employed by a child care agency;</p>	<p>(b) If an alleged perpetrator is qualified to be employed by a child care agency <u>or facility</u>;</p>	<p>Change per comments received.</p>
<p>WAC 388-15-077 (1) According to RCW 74.15.130 (2)(b), no unfounded CPS finding of child abuse or neglect may be used to deny employment in a child care facility or to deny a license to care for children. (2) According to RCW 26.44.020(19) no unfounded allegation of child abuse or neglect may be disclosed to a child placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW. (3) According to RCW 26.44.031, at the end of six years from the date of the report, the department must remove the unfounded finding from the department's records unless an additional child abuse and/or neglect report has been received regarding the same perpetrator or same family during those six years.</p>	<p>(1) According to RCW 74.15.130 (2)(b), no unfounded, <u>or inconclusive</u> CPS finding of child abuse or neglect may be used to deny employment in a child care facility or to deny a license to care for children. (2) According to RCW 26.44.020(19) no unfounded <u>or inconclusive</u> allegation of child abuse or neglect may be disclosed <u>as part of a background check</u> to a child placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW. (3) According to RCW 26.44.031, at the end of six years from the date of the report, the department must remove the unfounded finding from the department's records unless an additional child abuse and/or neglect report has been received regarding the same perpetrator or same family during those six years.</p>	<p>Per comment received. Change makes language more consistent with statute.</p>

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<p>WAC 388-15-089</p> <p>(1) If the alleged perpetrator does not submit a written request within twenty days for CPS to review the founded CPS finding, no further review or challenge of the finding may occur.</p> <p>(2) If an alleged perpetrator is unavailable to receive notice of the CPS finding when CPS sends the notice by certified mail to the alleged perpetrator's last known address, the alleged perpetrator shall not have further opportunity to request a review of the finding beyond thirty days from the time the notice is sent.</p>	<p>(1) If the alleged perpetrator does not submit a written request within twenty <u>calendar</u> days for CPS to review the founded CPS finding, no further review or challenge of the finding may occur.</p> <p>(2) If an alleged perpetrator is unavailable to receive notice of the CPS finding when CPS sends the notice by certified mail to the alleged perpetrator's last known address, the alleged perpetrator shall not have further opportunity to request a review of the finding beyond thirty days from the time the notice is sent. <u>If the department has exercised reasonable, good faith efforts to provide notice of the CPS finding to the alleged perpetrator, the alleged perpetrator shall not have further opportunity to request a review of the finding beyond thirty days from the time the notice was sent.</u></p>	<p>Change per comments received clarifies language without changing meaning.</p>
<p>WAC 388-15-097</p> <p>CPS will notify the alleged perpetrator in writing of the results of the CPS management review. CPS will send this notice to the last known address of the alleged perpetrator by certified mail, return receipt requested.</p>	<p>CPS will notify the alleged perpetrator in writing of the results of the CPS management review. CPS will send this notice to the last known address of the alleged perpetrator by certified mail, return receipt requested. <u>The notice of the CPS management review decision will also contain information regarding how to request a hearing.</u></p>	<p>Changed per comment received. Sentence was moved from WAC 388-15-105(3).</p>
<p>WAC 388-15-105</p> <p>(2) The request for a hearing must be in writing and sent to the following address: Office of Administrative Hearings P.O. Box 2465 Olympia, WA 98504</p> <p>(3) The office of administrative hearings must receive the written request for a hearing within thirty days from the date that the person requesting the hearing receives the CPS management review decision. The notice of the CPS management review decision will also contain information regarding how to request a hearing.</p>	<p>(2) The request for a hearing must be in writing and sent to Office of Administrative Hearings P.O. Box 2465 Olympia, WA 98504 <u>WAC 388-02-0025 lists the current address.</u></p> <p>(3) The office of administrative hearings must receive the written request for a hearing within thirty days from the date that the person requesting the hearing receives the CPS management review decision. The notice of the CPS management review decision will also contain information regarding how to request a hearing.</p>	<p>Per comment received.</p>
<p>WAC 388-15-121</p> <p>Are there issues the ALJ may not consider during your administrative hearing regarding a founded CPS finding? In any administrative hearing regarding a founded CPS finding, an ALJ may not consider the following:</p> <p>(1) Decisions regarding the placement of the alleged abused or neglected child;</p> <p>(2) Risk assessments in making placement decisions regarding the alleged abused and/or neglected child; or</p> <p>(3) Service plans for the alleged perpetrator and/or alleged abused or neglected child.</p>	<p>Are there issues the ALJ may not consider <u>rule upon</u> during your an administrative hearing regarding a founded CPS finding? In any administrative hearing regarding a founded CPS finding, an ALJ may not consider <u>rule upon the department's decisions regarding</u> the following:</p> <p>(1) Decisions regarding the placement of the alleged abused or neglected child;</p> <p>(2) Risk <u>risk</u> assessments used in making placement decisions regarding the alleged abused and/or neglected child; or</p> <p>(3) Service <u>service</u> plans for the alleged perpetrator and/or alleged abused or neglected child.</p>	<p>Per comments received change clarifies the proposed language.</p>
<p>WAC 388-15-129</p> <p>(1) The ALJ must determine if a preponderance of all the relevant information supports the determination by CPS that the alleged perpetrator is the person responsible for the alleged child abuse or neglect.</p> <p>(2) If the ALJ determines that a preponderance of all the relevant information supports the founded CPS finding, the ALJ must uphold the finding.</p> <p>(3) If the ALJ determines that the founded CPS finding is not supported by a preponderance of all the relevant information, the ALJ must remand the matter to the department for a change of the finding consistent with the ruling of the ALJ.</p>	<p>(1) The ALJ must determine <u>decide</u> if a preponderance of <u>the evidence in the hearing record supports a determination that the alleged perpetrator committed an act of abuse or neglect of a child, all the relevant information supports the determination by CPS that the alleged perpetrator is the person responsible for the alleged child abuse or neglect.</u></p> <p>(2) If the ALJ determines that a preponderance of <u>the evidence in the hearing record</u> all the relevant information supports the founded CPS finding, the ALJ must uphold the finding.</p> <p>(3) If the ALJ determines that the founded CPS finding is not supported by a preponderance of <u>the evidence in the hearing, all the relevant information,</u> the ALJ must remand the matter to the department for a change of the finding consistent with the ruling of the ALJ.</p>	<p>Per comment, partial change made to wording to clarify.</p>

<p>WAC 388-15-135 What if the appellant disagrees with the decision? If the appellant disagrees with the ALJ's decision, the appellant may challenge this decision according to the procedures contained in chapter 34.05 RCW and chapter 388-02 WAC.</p>	<p>What if the appellant or the department disagrees with the decision? If the appellant or the department disagrees with the ALJ's decision, the appellant either party may challenge this decision according to the procedures contained in chapter 34.05 RCW and chapter 388-02 WAC.</p>	<p>Per comment, partial change made to wording to clarify.</p>
<p>WAC 388-15-141 What happens if the ALJ does not uphold the founded CPS finding? If the ALJ does not uphold the founded CPS finding, the department may challenge the ALJ's decision as provided in chapter 34.05 RCW and chapter 388-02 WAC. If the department does challenge the ALJ's decision, the department will not change the finding in the department's records and the finding will remain in effect pending the final decision from the department's challenge. If the department does not challenge the ALJ's decision, the department will correct the finding in the department's records.</p>	<p>What happens if the ALJ does not uphold the founded CPS finding rules against the department? If the ALJ does not uphold the founded CPS finding, the department may challenge the ALJ's decision as provided in chapter 34.05 RCW and chapter 388-02 WAC. If the department does challenge the ALJ's decision, the department will not change the finding in the department's records and the finding will remain in effect pending the final decision from the department's challenge. If the department does not challenge the ALJ's decision, the department will correct the finding in the department's records <u>consistent with the ALJ's decision.</u></p>	<p>Per comment, partial change made to wording to clarify.</p>

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 37, Amended 0, Repealed 4.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 37, Amended 0, Repealed 4.

Effective Date of Rule: Thirty-one days after filing.

July 12, 2002

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

Chapter 388-15 WAC

~~((SOCIAL))~~ **CHILD PROTECTIVE SERVICES** ~~((FOR FAMILIES, CHILDREN AND ADULTS))~~

PART A—PROGRAM DESCRIPTION

NEW SECTION

WAC 388-15-001 What is the child protective services program? (1) Child protective services (CPS) means those services provided by the department of social and health services designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports (RCW 26.44.020 (12) and (16)).

(2) CPS may include the following:

- (a) Investigation of reports of alleged child abuse or neglect.
- (b) Assessment of risk of abuse or neglect to children.
- (c) Provision of and/or referral to services to remedy conditions that endanger the health, safety, and welfare of children.
- (d) Referral to law enforcement when there are allegations that a crime against a child (RCW 26.44.030(4) and 74.13.031(3)) might have been committed.
- (e) Out of home placement and petitions to courts when necessary to ensure the safety of children.

NEW SECTION

WAC 388-15-005 What definitions apply to these rules? The following definitions apply to this chapter.

"**Abuse or neglect**" means the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child as defined in RCW 26.44.020 and this chapter.

"**Administrative hearing**" means a hearing held before an administrative law judge and conducted according to chapter 34.05 RCW and chapter 388-02 WAC.

"**Administrative law judge (ALJ)**" is an impartial decision-maker who presides at an administrative hearing. The office of administrative hearings, which is a state agency but not part of DSHS, employs the ALJs.

"**Alleged perpetrator**" means the person identified in a CPS referral as being responsible for the alleged child abuse or neglect.

"**Alternative response system**" means a contracted provider in a local community that responds to accepted CPS referrals that are rated low or moderately low risk at the time of intake.

"**Appellant**" means a person who requests an administrative hearing to appeal a CPS finding.

"**Child protection team (CPT)**" means a multi-disciplinary group of persons with at least four persons from professions that provide services to abused or neglected children

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and/or parents of such children. The CPT provides confidential case staffing and consultation to children's administration.

"**Child protective services (CPS)**" means the section of the children's administration responsible for responding to allegations of child abuse or neglect.

"**Children's administration (CA)**" means the cluster of programs within DSHS that is responsible for the provision of child protective, child welfare, foster care licensing, group care licensing, and other services to children and their families.

"**Department**" or "**DSHS**" means the Washington state department of social and health services.

"**Divisions of child care and early learning (DCCEL)**" means the division of economic services responsible for licensing child care homes and child care facilities.

"**Division of children and family services (DCFS)**" means the division of children's administration that provides child protective, child welfare, and support services to children and their families.

"**Division of licensed resources (DLR)**" means the division of children's administration responsible for licensing group care and foster care facilities, and responding to allegations of abuse or neglect in such facilities.

"**Finding**" means the final decision made by a CPS social worker after an investigation regarding alleged child abuse or neglect.

"**Founded**" means the determination following an investigation by CPS that based on available information it is more likely than not that child abuse or neglect did occur.

"**Inconclusive**" means the determination following an investigation by CPS that based on available information a decision cannot be made that more likely than not, child abuse or neglect did or did not occur.

"**Mandated reporter**" means a person required to report alleged child abuse or neglect as defined in RCW 26.44.030.

"**Preponderance of evidence**" means the evidence presented in a hearing indicates more likely than not child abuse or neglect did occur.

"**Unfounded**" means the determination following an investigation by CPS that based on available information it is more likely than not that child abuse or neglect did not occur.

NEW SECTION

WAC 388-15-009 What is child abuse or neglect?

Child abuse or neglect means the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child under circumstances which indicate that the child's health, welfare, and safety is harmed. An abused child is a child who has been subjected to child abuse and neglect as defined in this section.

(1) Physical abuse means the nonaccidental infliction of physical injury or physical mistreatment on a child. Physical abuse includes, but is not limited to, such actions as:

- (a) Throwing, kicking, burning, or cutting a child;
- (b) Striking a child with a closed fist;

(c) Shaking a child under age three;

(d) Interfering with a child's breathing;

(e) Threatening a child with a deadly weapon;

(f) Doing any other act that is likely to cause and which does cause bodily harm greater than transient pain or minor temporary marks or which is injurious to the child's health, welfare and safety.

(2) Physical discipline of a child, including the reasonable use of corporal punishment, is not considered abuse when it is reasonable and moderate and is inflicted by a parent or guardian for the purposes of restraining or correcting the child. The age, size, and condition of the child, and the location of any inflicted injury shall be considered in determining whether the bodily harm is reasonable or moderate. Other factors may include the developmental level of the child and the nature of the child's misconduct. A parent's belief that it is necessary to punish a child does not justify or permit the use of excessive, immoderate or unreasonable force against the child.

(3) Sexual abuse means committing or allowing to be committed any sexual offense against a child as defined in the criminal code. The intentional touching, either directly or through the clothing, of the sexual or other intimate parts of a child or allowing, permitting, compelling, encouraging, aiding, or otherwise causing a child to engage in touching the sexual or other intimate parts of another for the purpose of gratifying the sexual desire of the person touching the child, the child, or a third party. A parent or guardian of a child, a person authorized by the parent or guardian to provide child-care for the child, or a person providing medically recognized services for the child, may touch a child in the sexual or other intimate parts for the purposes of providing hygiene, child care, and medical treatment or diagnosis.

(4) Sexual exploitation includes, but is not limited to, such actions as allowing, permitting, compelling, encouraging, aiding, or otherwise causing a child to engage in:

(a) Prostitution;

(b) Sexually explicit, obscene or pornographic activity to be photographed, filmed, or electronically reproduced or transmitted; or

(c) Sexually explicit, obscene or pornographic activity as part of a live performance, or for the benefit or sexual gratification of another person.

(5) Negligent treatment or maltreatment means an act or a failure to act on the part of a child's parent, legal custodian, guardian, or caregiver that shows a serious disregard of the consequences to the child of such magnitude that it creates a clear and present danger to the child's health, welfare, and safety. A child does not have to suffer actual damage or physical or emotional harm to be in circumstances which create a clear and present danger to the child's health, welfare, and safety. Negligent treatment or maltreatment includes, but is not limited, to:

(a) Failure to provide adequate food, shelter, clothing, supervision, or health care necessary for a child's health, welfare, and safety. Poverty and/or homelessness do not constitute negligent treatment or maltreatment in and of themselves;

(b) Actions, failures to act, or omissions that result in injury to or which create a substantial risk of injury to the

physical, emotional, and/or cognitive development of a child;
or

(c) The cumulative effects of consistent inaction or behavior by a parent or guardian in providing for the physical, emotional and developmental needs of a child's, or the effects of chronic failure on the part of a parent or guardian to perform basic parental functions, obligations, and duties, when the result is to cause injury or create a substantial risk of injury to the physical, emotional, and/or cognitive development of a child.

NEW SECTION

WAC 388-15-011 What is child abandonment? (1) A Parent or guardian abandons a child when the parent or guardian is responsible for the care, education, or support of a child and:

(a) Deserts the child in any manner whatever with the intent to abandon the child;

(b) Leaves a child without the means or ability to obtain one or more of the basic necessities of life such as food, water, shelter, clothing, hygiene, and medically necessary health care; or

(c) Forgoes for an extended period of time parental rights, functions, duties and obligations despite an ability to exercise such rights, duties, and obligations.

(2) Abandonment of a child by a parent may be established by conduct on the part of a parent or guardian that demonstrates a substantial lack of regard for the rights, duties, and obligations of the parent or guardian or for the health, welfare, and safety of the child. Criminal activity or incarceration of a parent or guardian does not constitute abandonment in and of themselves, but a pattern of criminal activity or repeated or long-term incarceration may constitute abandonment of a child.

NEW SECTION

WAC 388-15-013 Who may receive child protective services? Children and families may receive child protective services when there is an allegation that a child has been abused or neglected:

(1) By a parent, legal custodian, or guardian of the child;
or

(2) In a DSHS licensed, certified, or state-operated facility; or

(3) By persons or agencies subject to licensing under chapter 74.15 RCW, including individuals employed by or volunteers of such facilities.

NEW SECTION

WAC 388-15-017 What is the responsibility of CPS regarding reports of abuse or neglect? (1) CPS must record a report from any source alleging child abuse or neglect.

(2) CPS must determine whether alleged incidents or conditions meet the definitions of child abuse or neglect in this chapter or in chapter 26.44 RCW.

(3) CPS must assess or investigate all reports of alleged child abuse or neglect that meet the definitions of child abuse or neglect contained in this chapter or in chapter 26.44 RCW.

(4) CPS must investigate anonymous reports only as provided in RCW 26.44.030(15).

(5) CPS must maintain a record of reports received that are not investigated because they do not meet the definitions of child abuse or neglect as defined in RCW or this chapter.

(6) CPS must report to law enforcement per RCW 26.44.030(4) and 74.13.031.

NEW SECTION

WAC 388-15-021 How does CPS respond to reports of alleged child abuse or neglect? (1) CPS must assess all reports that meet the definition of child abuse or neglect using a risk assessment process to determine level of risk and response time.

(2) CPS must provide an in-person response to alleged victims and must attempt an in-person response to the alleged perpetrator of child abuse and neglect in referrals assessed at moderate to high risk.

(3) CPS may refer reports assessed at low to moderately low risk to an alternative response system.

(4) CPS may interview a child, outside the presence of the parent, without prior parental notification or consent (RCW 26.44.030(10)).

(5) Unless the child objects, CPS must make reasonable efforts to have a third party present at the interview so long as the third party does not jeopardize the investigation (RCW 26.44.030).

(6) CPS may photograph the alleged child victim to document the physical condition of the child (RCW 26.44.050).

(7) CPS must establish in procedure, timelines for the completion of investigations and standards for written findings.

NEW SECTION

WAC 388-15-025 What special requirements must CPS follow for Indian children? (1) These special requirements apply to children defined as Indians in WAC 388-70-091.

(2) The DCFS social worker shall document in case records efforts to keep Indian families together and to avoid separating the Indian child from his parents, relatives, tribe or cultural heritage as per RCW 26.44.010 and WAC 388-70-093.

(3) In alleged child abuse and neglect situations, the DCFS social worker shall document in case records, efforts to utilize staff and services particularly capable of meeting the special needs of Indian children and their families, in consultation with the child's tribe and/or local Indian child welfare advisory committee per WAC 388-70-600 through 388-70-640.

(4) The DCFS social worker shall promptly advise the tribal council and the local Indian child welfare advisory committee that a child affiliated with the tribe is the victim of substantiated child abuse or neglect. The provisions of RCW

26.44.070, WAC 377-70-640, limiting who has access to confidential information, shall be followed in all cases.

NEW SECTION

WAC 388-15-029 What information may CPS share with mandated reporters? (1) CPS in the conduct of ongoing case planning and consultation with those persons or agencies required to report alleged child abuse or neglect under RCW 26.44.030 and with consultants designated by CPS, may share otherwise confidential information with such persons, agencies, and consultants if the confidential information is pertinent to cases currently receiving child protective services.

(2) When CPS receives a report of alleged child abuse or neglect, mandated reporters, as identified in RCW 26.44.030, and their employees must provide upon request by CPS, all relevant records in their possession related to the child (RCW 26.44.030).

NEW SECTION

WAC 388-15-033 When will CPS involve local community resources? (1) CPS may use local community resources to respond to reports of abuse or neglect when the department's assessment of risk determines that a community response is in the best interest of the child and family.

(2) CPS may involve local community resources in the planning and provision of services to help remedy conditions that contribute to the abuse or neglect of children.

(3) CPS must have community based child protective teams (CPT) available for staffing and consultation regarding cases of child abuse or neglect. CPS must present cases for staffing with the CPT in accordance with executive order 95-04 and department procedures.

(4) There are special requirements for staffing Indian children cases with the local Indian child welfare advisory committee (WAC 388-70-600).

NEW SECTION

WAC 388-15-037 Under what circumstances may CPS place a child in out-of-home care? (1) When CPS determines that a child is at risk of serious harm in the care of the parent, legal custodian, or guardian CPS may seek an out-of-home placement for the child. Before placing a child in out-of-home care one of the following must be in place:

(a) A court order directing that the child be placed in out-of-home care (RCW 13.34.050); or

(b) A law enforcement officer placing the child in protective custody (RCW 26.44.050); or

(c) A physician or hospital administrator detaining a child and CPS assuming custody until a court hearing is held (RCW 26.44.056); or

(d) A voluntary placement agreement signed by the child's parent, guardian, or legal custodian. Voluntary placements of Indian children must comply with RCW 13.34.245.

(2) CPS must attempt to place the child with a relative willing and available to care for the child, unless there is reasonable cause to believe that the health, safety and welfare of

the child would be jeopardized or that efforts to reunite the parent and child will be hindered (RCW 13.34.060). If a relative appears suitable and competent with good character to provide adequate care, the background check of a relative shall be completed as soon as possible after the child is placed (RCW 74.15.030).

NEW SECTION

WAC 388-15-041 When will CPS involve the juvenile court? CPS may file a dependency petition with the juvenile court when CPS determines that court intervention is necessary for protection of the child.

(1) CPS must file a dependency petition with the juvenile court when a child is to remain in out of home care beyond seventy-two hours (excluding Saturdays, Sundays, and holidays) unless the child's parent or legal custodian signs a voluntary placement agreement.

(2) CPS must make reasonable efforts to notify both parents, guardians, and any legal custodian(s) that a dependency petition has been filed. The notice must inform these parties of the date, time, and location of the initial shelter care hearing and of the parent(s) and any legal custodian's legal rights. If the court has entered an order for the out-of-home placement of the child, a hearing shall be held within seventy-two hours, excluding Saturdays, Sundays, and holidays.

(3) Whenever CPS assumes custody of a child from law enforcement, and places the child in out of home care, a court hearing must be held within seventy-two hours from the time the child is taken into protective custody, excluding Saturdays, Sundays and holidays.

(4) Whenever CPS assumes custody from a physician or a hospital administrator and places the child in out-of-home care, a court hearing must be held within seventy-two hours from the time CPS assumes custody of the child, excluding Saturdays, Sundays, and holidays.

NEW SECTION

WAC 388-15-045 What are the department's responsibilities regarding notification of the parent or legal custodian in child protective services cases? CPS must notify the parent, guardian, or legal custodian of a child at the earliest possible point that will not jeopardize the investigation or the safety or protection of the child when:

(1) CPS is investigating a report alleging an act or acts of child abuse or neglect, and:

(a) The child is alleged to be the victim; and/or

(b) CPS interviews a child in relation to an alleged act of child abuse or neglect.

(2) CPS takes a child into custody pursuant to a court order issued under RCW 13.34.050.

(3) CPS receives custody of a child from law enforcement pursuant to RCW 26.44.050.

(4) CPS files a dependency petition.

NEW SECTION

WAC 388-15-049 When must the department notify the alleged perpetrator of allegations of child abuse or neglect? CPS must attempt to notify the alleged perpetrator of the allegations of child abuse or neglect at the earliest point in the investigation that will not jeopardize the safety and protection of the child or the investigation process.

NEW SECTION

WAC 388-15-053 What steps must the department take to provide an opportunity for the parent(s), guardian, or legal custodian(s) to review case information? To provide an opportunity for the parent(s), guardian, or legal custodian(s) to review case information, CPS must give such person the opportunity to read or obtain relevant parts of the case record, provided the person or persons have requested access to the information and the law does not otherwise prohibit such access (RCW 13.50.100).

NEW SECTION

WAC 388-15-057 What limitations does the department have on the disclosure of case information? Information obtained by CPS is confidential pursuant to federal and state law. The department may only disclose case record information as permitted by applicable statutes and the provisions of chapter 388-01 WAC.

PART B—NOTIFICATION AND APPEAL OF FINDINGS

NEW SECTION

WAC 388-15-061 What is the purpose of these rules? The purpose of these rules is to describe:

(1) The procedures for notifying the alleged perpetrator of any findings made by a CPS social worker in an investigation of suspected child abuse or neglect; and

(2) The process for challenging a founded CPS finding of child abuse or neglect (RCW 26.44.100 and 26.44.125).

NEW SECTION

WAC 388-15-065 Does CPS have to notify the alleged perpetrator of the results of CPS investigation? CPS has the duty to notify the alleged perpetrator in writing of any finding made by CPS in any investigation of suspected child abuse and/or neglect.

NEW SECTION

WAC 388-15-069 How does CPS notify the alleged perpetrator of the finding? (1) CPS notifies the alleged perpetrator of the finding by sending the CPS finding notice via certified mail, return receipt requested, to the last known address. CPS must make a reasonable, good faith effort to determine the last known address or location of the alleged perpetrator.

(2) In cases where certified mailing may not be either possible or advisable, the CPS social worker may personally deliver or have served the CPS finding notice to the alleged perpetrator.

NEW SECTION

WAC 388-15-073 What information must be in the CPS finding notice? The CPS finding notice must inform the alleged perpetrator of the department's investigative finding, including the legal basis for the findings and sufficient factual information to apprise the alleged perpetrator of the date and nature of the founded reports. The notice must also contain the following:

(1) The alleged perpetrator may submit to CPS a written response regarding the CPS finding. If a response is submitted, CPS must file this response in the department's records.

(2) Information in the department's records may be considered in later investigations or proceedings relating to child protection or child custody.

(3) Founded CPS findings may be considered in determining:

(a) If an alleged perpetrator is qualified to be licensed to care for children or vulnerable adults;

(b) If an alleged perpetrator is qualified to be employed by a child care agency or facility;

(c) If an alleged perpetrator may be authorized or funded by the department to provide care or services to children or vulnerable adults.

(4) The alleged perpetrator's right to challenge a founded CPS finding.

NEW SECTION

WAC 388-15-077 What happens to unfounded CPS findings? (1) According to RCW 74.15.130 (2)(b), no unfounded, or inconclusive CPS finding of child abuse or neglect may be used to deny employment in a child care facility or to deny a license to care for children.

(2) According to RCW 26.44.020(19) no unfounded or inconclusive allegation of child abuse or neglect may be disclosed as part of a background check to a child placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW.

(3) According to RCW 26.44.031, at the end of six years from the date of the report, the department must remove the unfounded finding from the department's records unless an additional child abuse and/or neglect report has been received regarding the same perpetrator during those six years.

NEW SECTION

WAC 388-15-081 Can an alleged perpetrator challenge a CPS finding of child abuse or neglect? A person named as an alleged perpetrator in a founded CPS report made on or after October 1, 1998, may challenge that finding.

NEW SECTION

WAC 388-15-085 How does an alleged perpetrator challenge a founded CPS finding? (1) In order to challenge a founded CPS finding, the alleged perpetrator must make a written request for CPS to review the founded CPS finding of child abuse or neglect. The CPS finding notice must provide the information regarding all steps necessary to request a review.

(2) The request must be provided to the same CPS office that sent the CPS finding notice within twenty calendar days from the date the alleged perpetrator receives the CPS finding notice (RCW 26.44.125).

NEW SECTION

WAC 388-15-089 What happens if the alleged perpetrator does not request CPS to review the founded CPS finding within twenty days? (1) If the alleged perpetrator does not submit a written request within twenty calendar days for CPS to review the founded CPS finding, no further review or challenge of the finding may occur.

(2) If the department has exercised reasonable, good faith efforts to provide notice of the CPS finding to the alleged perpetrator, the alleged perpetrator shall not have further opportunity to request a review of the finding beyond thirty days from the time the notice was sent.

NEW SECTION

WAC 388-15-093 What happens after the alleged perpetrator requests CPS to review the founded CPS finding of child abuse or neglect? (1) CPS management level staff or their designees who were not involved in the decision making process will review the founded CPS finding of child abuse or neglect. The management staff will consider the following information:

- (a) CPS records;
- (b) CPS summary reports; and
- (c) Any written information the alleged perpetrator may have submitted regarding the founded CPS finding of abuse and/or neglect.

(2) Management staff may also meet with the CPS social worker and/or CPS supervisor to discuss the investigation/finding. After review of all this information, management staff decides if the founded CPS finding is correct or if it should be changed.

(3) Management staff must complete their review of the founded CPS finding within sixty calendar days from the date CPS received the written request for review.

NEW SECTION

WAC 388-15-097 How does CPS notify the alleged perpetrator of the results of the CPS management review? CPS will notify the alleged perpetrator in writing of the results of the CPS management review. CPS will send this notice to the last known address of the alleged perpetrator by certified mail, return receipt requested. The notice of the

CPS management review decision will also contain information regarding how to request a hearing.

NEW SECTION

WAC 388-15-101 What happens if CPS management staff changes the founded CPS finding? If CPS management staff changes the founded CPS finding, CPS notifies the alleged perpetrator that the department has changed the finding to either inconclusive or unfounded. CPS management staff or their designee must correct the department's records to show the changed finding.

NEW SECTION

WAC 388-15-105 What happens if CPS management staff does not change the founded CPS finding? (1) If CPS management staff does not change the founded CPS finding, the alleged perpetrator has the right to further challenge that finding by requesting an administrative hearing.

(2) The request for a hearing must be in writing and sent to the Office of Administrative Hearings. WAC 388-02-0025 lists the current address.

(3) The office of administrative hearings must receive the written request for a hearing within thirty days from the date that the person requesting the hearing receives the CPS management review decision.

NEW SECTION

WAC 388-15-109 What laws and rules will control the administrative hearings held regarding the founded CPS findings? Chapter 34.05 RCW, RCW 26.44.100 and 26.44.125, chapter 388-02 WAC, and the provisions of this chapter govern any administrative hearing regarding a founded CPS finding. In the event of a conflict between the provisions of this chapter and chapter 388-02 WAC, the provisions of this chapter must prevail.

NEW SECTION

WAC 388-15-113 What effect does a petition for dependency have on an administrative hearing? (1) If a dependency petition, based on chapter 13.34 RCW, regarding the alleged abuse or neglect has been filed, the administrative hearing must be stayed (postponed) until the superior court has entered an order and findings regarding the dependency petition.

(2) The ALJ must consider any superior court dependency findings and order relating to the alleged abuse or neglect.

(3) If the superior court has entered findings that the alleged perpetrator was the person responsible for the alleged child abuse or neglect, the ALJ must uphold the CPS finding. The ALJ must reiterate the court ruling and incorporate that ruling in the decision issued by the ALJ.

NEW SECTION

WAC 388-15-117 What factors must the ALJ consider in order for the alleged abused and/or neglected child to testify at the administrative hearing? (1) The ALJ must give special consideration to any request by a party for the alleged abused or neglected child to testify in order to protect the physical and emotional well being of the child. For the protection of the child, the ALJ must determine:

(a) If compelling reasons exist to have the child testify. If compelling reasons do exist, the ALJ must consider alternative methods to in-person testimony by the child. Such methods may include, but are not limited to, having the child testify by telephone or videotape; or

(b) If the rights of a party (either the appellant or DSHS) would be prejudiced by not having the child testify in person. If a party's rights would be prejudiced, the ALJ must consider other methods to hear the child's testimony without having the child directly confront the alleged perpetrator.

(2) If the child does testify at the hearing, the ALJ must include a written finding in the administrative hearing decision regarding the compelling reasons for the child's testimony and what alternative methods to in-person testimony the ALJ considered.

NEW SECTION

WAC 388-15-121 Are there issues the ALJ may not rule upon during an administrative hearing regarding a founded CPS finding? In any administrative hearing regarding a founded CPS finding, an ALJ may not rule upon the department's decisions regarding the following:

- (1) Placement of the alleged abused or neglected child;
- (2) Risk assessments used in making placement decisions regarding the alleged abused and/or neglected child; or
- (3) Service plans for the alleged perpetrator and/or alleged abused or neglected child.

NEW SECTION

WAC 388-15-125 Are the administrative hearings open to the public? Based on RCW 26.44.125, any administrative hearing regarding founded CPS findings is confidential and must not be open to the public.

NEW SECTION

WAC 388-15-129 How does the ALJ make a decision regarding the founded CPS finding? (1) The ALJ must decide if a preponderance of the evidence in the hearing record supports a determination that the alleged perpetrator committed an act of abuse or neglect of a child.

(2) If the ALJ determines that a preponderance of the evidence in the hearing record supports the founded CPS finding, the ALJ must uphold the finding.

(3) If the ALJ determines that the founded CPS finding is not supported by a preponderance of the evidence in the hearing record, the ALJ must remand the matter to the department for a change of the finding consistent with the ruling of the ALJ.

NEW SECTION

WAC 388-15-133 How will the appellant be notified of the ALJ's decision? After the administrative hearing, the ALJ will send a written decision to the appellant and the department.

NEW SECTION

WAC 388-15-135 What if the appellant or the department disagrees with the decision? If the appellant or the department disagrees with the ALJ's decision, either party may challenge this decision according to the procedures contained in chapter 34.05 RCW and chapter 388-02 WAC.

NEW SECTION

WAC 388-15-141 What happens if the ALJ rules against the department? If the department challenges the ALJ's decision, the department will not change the finding in the department's records and the finding will remain in effect pending the final decision from the department's challenge. If the department does not challenge the ALJ's decision, the department will correct the finding in the department's records consistent with the ALJ's decision.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-15-130	Child protective services— Authority.
WAC 388-15-131	Child protective services— Special requirements for Indian children.
WAC 388-15-132	Child protective services— Acceptance of reports— Eligibility for services and limits to authority.
WAC 388-15-134	Child protective services— Notification.

WSR 02-15-102

PERMANENT RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed July 17, 2002, 11:22 a.m., effective October 1, 2002]

Date of Adoption: July 17, 2002.

Purpose: Dipping and coating operations (dip tanks), chapter 296-835 WAC; chapter 296-24 WAC, General safety and health standards; chapter 296-62 WAC, General occupational health standards; and chapter 296-78 WAC, Safety standards for sawmills and woodworking operations.

The Occupational Safety and Health Administration (OSHA), published a Federal Register notice on March 23,

PERMANENT

1999, effective April 23, 1999 (64 FR 13897), relating to the rewrite of their existing "dip tank" standard, making the rules more understandable to employers, employees and others who use them. The standard is shorter and performance-oriented, and updates several technical references. We rewrote the dip tank rules using the "Innovations" format incorporating the OSHA updates.

WAC 296-24-405 Dip tanks containing flammable and combustible liquids.

- Requirements relating to dip tanks have been moved to chapter 296-835 WAC.
- Repealed this section.

WAC 296-24-40501 Definitions.

- Definitions relating to dip tanks have been moved to WAC 296-835-140.
- Repealed this section.

WAC 296-24-40503 Ventilation.

- Requirements relating to vapor area ventilation have been moved to WAC 296-835-11010.
- Requirements relating to ventilation combined with drying have been moved to WAC 296-835-12060.
- Repealed this section.

WAC 296-24-40505 Construction of dip tanks.

- Requirements relating to the general construction of dip tanks have been moved to WAC 296-835-11005.
- Requirements relating to the design of piping connections on drains and overflow lines have been moved to WAC 296-835-12005.
- Requirements relating to overflow pipes have been moved to WAC 296-835-12010.
- Requirements relating to the bottom of the overflow connection have been moved to WAC 296-835-12010.
- Requirements relating to bottom drains have been moved to WAC 296-835-12015.
- Requirements relating to salvage tanks have been moved to WAC 296-835-12010.
- Requirements relating to automatic extinguishing facilities (except if using a hardening or tempering tank) have been moved to WAC 296-835-12025.
- Requirements relating to automatic extinguishing facilities when using a hardening or tempering tank have been moved to WAC 296-835-13005.
- Requirements relating to heating dip tank liquids have been moved to WAC 296-835-12055.
- Requirements relating to conveyor systems have been moved to WAC 296-835-12065.
- Repealed this section.

WAC 296-24-40507 Liquids used in dip tanks, storage and handling.

- Requirements relating to liquids used in dip tanks, storage and handling have been moved to WAC 296-835-12035.
- Repealed this section.

WAC 296-24-40509 Electrical and other sources of ignition.

- Requirements relating to vapor areas as a source of ignition have been moved to WAC 296-835-12040 and 296-835-12045.
- Requirements relating to adjacent areas as a source of ignition have been moved to WAC 296-835-12040.
- Repealed this section.

WAC 296-24-40511 Operations and maintenance.

- Requirements relating to inspection or tests of dip tank facilities have been moved to WAC 296-835-11025.
- Requirements relating to warning signs have been moved to WAC 296-835-12040.
- Requirements relating to areas in the vicinity of dip tanks being kept clear of combustible stock and debris have been moved to WAC 296-835-12050.
- Requirements relating to waste cans have been moved to WAC 296-835-12050.
- Repealed this section.

WAC 296-24-40513 Extinguishment.

- Requirements relating to extinguishment have been moved to WAC 296-835-12020.
- Requirements relating to automatic water spray extinguishing systems have been moved to WAC 296-835-12025.
- Requirements relating to automatic foam extinguishing systems have been moved to WAC 296-835-12025.
- Requirements relating to automatic carbon dioxide extinguishing systems have been moved to WAC 296-835-12025.
- Requirements relating to automatic dry chemical extinguishing systems have been moved to WAC 296-835-12025.
- Requirements relating to dip tank covers have been moved to WAC 296-835-12025.
- Repealed this section.

WAC 296-24-40515 Special dip tank operations.

- Suggested area of the dip tank that should include the area of the sump and any areas on which paint flows have been moved to a note in WAC 296-835-13015.
- Exemption of when hardening and tempering tanks do not require an automatic fire extinguishing system has been moved to WAC 296-835-12025.
- Requirements relating to automatic extinguishing facilities when using a hardening or tempering tank have been moved to WAC 296-835-13005.
- Requirements relating to hardening and tempering tanks have been moved to WAC 296-835-13005.
- Requirements relating to electrostatic apparatus have been moved to WAC 296-835-13010.
- Requirements relating to flow coating have been moved to WAC 296-835-13015.
- Requirements relating to roll coating have been moved to WAC 296-835-13020.
- Repeal this section.

WAC 296-62-11021 Open surface tanks.

- A note was added to WAC 296-62-11021 stating that requirements relating to dipping and coating operations have been moved and the requirements left in WAC 296-62-11021 only apply to agriculture.

WAC 296-78-71015 Tanks and chemicals.

- Corrected references.

WAC 296-835-100 Scope.

- Incorporated language from WAC 296-24-405 and 296-62-11021 into this section to explain the scope of this rule and to summarize it.

WAC 296-835-110 General dip tank requirements.

- Incorporated general dip tank requirements into WAC 296-835-11005 through 296-835-11045.

WAC 296-835-11005 Construct safe dip tanks.

- Requirements from WAC 296-24-40505 relating to constructing safe dip tanks have been moved to this section.

WAC 296-835-11010 Provide proper ventilation for the vapor area.

- Requirements from WAC 296-24-40503 and 296-62-11021 relating to vapor area ventilation have been moved to this section.

WAC 296-835-11015 Take additional precautions if you recirculate ventilation system exhaust air into the workplace.

- Requirements from WAC 296-62-11021 relating to taking additional precautions if you recirculate ventilation system exhaust air into the workplace have been moved to this section.

WAC 296-835-11020 Take additional precautions when using an exhaust hood.

- Requirements from WAC 296-62-11021 relating to precautions that need to be taken if the dip tank uses an exhaust hood have been moved to this section.

WAC 296-835-11025 Periodically inspect your dip tanks and associated equipment and correct any deficiencies.

- Requirements from WAC 296-24-40511 and 296-62-11021 relating to inspection or tests of dip tank facilities have been moved to this section.

WAC 296-835-11030 Make sure employees working near dip tanks know appropriate first-aid procedures.

- Requirements from WAC 296-62-11021 relating to first aid have been moved to this section.

WAC 296-835-11035 Prepare dip tanks before cleaning.

- Requirements from WAC 296-62-11021 relating to cleaning dip tanks safely have been moved to this section.

WAC 296-835-11040 Safeguard cyanide tanks.

- Requirements from WAC 296-62-11021 relating to dip tanks that use cyanide have been moved to this section.

WAC 296-835-11045 Protect employees during welding, burning or other work using open flames.

- Requirements from WAC 296-62-11021 relating to protecting employees during welding, burning or other work using open flames have been moved to this section.

WAC 296-835-11050 Protect employees that use liquids that may burn, irritate, or otherwise harm the skin.

- Incorporated dip tank requirements relating to using liquids that may burn, irritate, or harm the skin into WAC 296-835-13005.

WAC 296-835-120 Additional requirements for dip tanks using flammable or combustible liquids.

- Incorporated dip tank requirements using flammable or combustible liquids into WAC 296-835-12005 through 296-835-12065.

WAC 296-835-12005 Include additional safeguards when constructing dip tanks.

- Requirements from WAC 296-24-40505 relating to the general construction of dip tanks have been moved to this section.
- Requirements from WAC 296-24-40505 relating to the design of piping connections on drains and overflow lines have been moved to this section.

WAC 296-835-12010 Provide overflow pipes.

- Requirements from WAC 296-24-40505 relating to overflow pipes have been moved to this section.
- Requirements from WAC 296-24-40505 relating to the bottom of the overflow connection have been moved to this section.

WAC 296-835-12015 Provide bottom drains.

- Requirements from WAC 296-24-40505 relating to bottom drains have been moved to this section.
- Requirements from WAC 296-24-40505 relating to salvage tanks have been moved to this section.

WAC 296-835-12020 Provide fire protection in the vapor area.

- Requirements from WAC 296-24-40505 relating to automatic extinguishing facilities (except if using a hardening or tempering tank) have been moved to this section.
- Added a note referencing the portable fire extinguishment requirements located in WAC 296-800-300.

WAC 296-835-12025 Provide additional fire protection for large dip tanks.

- Requirements from WAC 296-24-40513 relating to automatic water spray extinguishing systems have been moved to this section.

- Requirements from WAC 296-24-40513 relating to automatic foam spray extinguishing systems have been moved to this section.
- Requirements from WAC 296-24-40513 relating to automatic carbon dioxide extinguishing systems have been moved to this section.
- Requirements from WAC 296-24-40513 relating to automatic dry chemical extinguishing systems have been moved to this section.
- Add a note referencing various extinguishing system requirements located in WAC 296-24-622, 296-24-623, and 296-24-627.
- Requirements from WAC 296-24-40513 relating to dip tank covers have been moved to this section.

WAC 296-835-12035 Prevent static electricity sparks or arcs when adding liquids to a dip tank.

- Requirements from WAC 296-24-40507 relating to liquids used in dip tanks, storage and handling have been moved to this section.

WAC 296-835-12040 Control ignition sources.

- Requirements from WAC 296-24-40509 relating to vapor areas as a source of ignition have been moved to this section.
- Requirements from WAC 296-24-40509 relating to adjacent areas as a source of ignition have been moved to this section.
- Requirements from WAC 296-24-40511 relating to warning signs have been moved to this section.
- Added a reference in this section to see WAC 296-835-13010 for requirements relating to electrostatic equipment.

WAC 296-835-12045 Provide safe electrical wiring and equipment where the liquid can drip or splash.

- Requirements from WAC 296-24-40509 relating to vapor areas as a source of ignition have been moved to this section.

WAC 296-835-12050 Keep the area around dip tanks clear of combustible material and properly dispose of waste.

- Requirements from WAC 296-24-40511 relating to areas in the vicinity of dip tanks being kept clear of combustible stock and debris have been moved to this section.
- Requirements from WAC 296-24-40511 relating to waste cans have been moved to this section.

WAC 296-835-12055 Make sure heating the liquid in your dip tanks does not cause a fire.

- Requirements from WAC 296-24-40505 relating to heating dip tank liquids have been moved to this section.

WAC 296-835-12060 Make sure a heating system used for drying objects does not cause a fire.

- Requirements from WAC 296-24-40503 relating to ventilation combined with drying have been moved to this section.

WAC 296-835-12065 Make sure conveyor systems are safe.

- Requirements from WAC 296-24-40503 relating to vapor area ventilation have been moved to this section.
- Requirements from WAC 296-24-40505 relating to conveyor systems have been moved to this section.

WAC 296-835-130 Additional requirements for dip tanks used for specific processes.

- Incorporated dip tank requirements relating to specific processes WAC 296-835-130 through 296-835-13030.

WAC 296-835-13005 Meet specific requirements if you use a hardening or tempering tank.

- Requirements from WAC 296-24-40515 relating to hardening or tempering tanks have been moved to this section.
- Requirements from WAC 296-24-40515 relating to automatic extinguishing facilities when using a hardening or tempering tank have been moved to this section.

WAC 296-835-13010 Meet specific requirements if you use electrostatic equipment.

- Requirements from WAC 296-24-40515 relating to electrostatic apparatus have been moved to this section.

WAC 296-835-13015 Meet specific requirements if you use a flow coating process.

- Requirements from WAC 296-24-40515 relating to flow coating have been moved to this section.
- Suggested area of the dip tank, from WAC 296-24-40515, that should include the area of the sump and any areas on which paint flows have been moved to this section.

WAC 296-835-13020 Take additional precautions if your roll coating operation uses a liquid that has a flashpoint below 140°F (60° C).

- Requirements from WAC 296-24-40515 relating to roll coating have been moved to this section.

WAC 296-835-13025 Provide additional safeguards for vapor degreasing tanks.

- Requirements from WAC 296-62-11021 relating to additional safeguards for vapor degreasing machines have been moved to this section.

WAC 296-835-13030 Control liquid spray over an open surface cleaning or degreasing tank.

- Requirements from WAC 296-62-11021 relating to controlling the spray if you spray a liquid in the air over an open surface cleaning or degreasing tank have been moved to this section.

WAC 296-835-140 Definitions.

- Insert the following definitions into this section: "ACGIH," "adjacent area," "ANSI," "approved," "autoignition temperature," "combustible liquid," "detearing," "dip tank," "flammable liquid," "flash-

point," "lower flammable limit," "vapor area" and "you."

Citation of Existing Rules Affected by this Order: Amending WAC 296-62-11021 Open surface tanks and 296-78-71015 Tanks and chemicals; and repealing WAC 296-24-405 Dip tanks containing flammable and combustible liquids, 296-24-40501 Definitions, 296-24-40503 Ventilation, 296-24-40505 Construction of dip tanks, 296-24-40507 Liquids used in dip tanks, storage and handling, 296-24-40509 Electrical and other sources of ignition, 296-24-40511 Operations and maintenance, 296-24-40513 Extinguishment, and 296-24-40515 Special dip tank operations.

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, and [49.17].050.

Adopted under notice filed as WSR 02-07-100 on March 20, 2002.

Changes Other than Editing from Proposed to Adopted Version: As a result of written and oral comments received, the following sections are being changed as indicated below:

CHANGES TO THE RULES (Proposed rule versus rule actually adopted):

WAC 296-62-11021 Open surface tanks.

- This note now reads:
"Note: The requirements in this section apply only to agriculture. The general industry requirements relating to dipping and coating operations (dip tanks) have been moved to chapter 296-835 WAC."

WAC 296-835-100 Scope.

- Deleted the following paragraph: "Other rules that may apply to your workplace."
- The WISHA Safety & Health Core Rules, chapter 296-800 WAC, contains the basic requirements that apply to most employers in Washington. It also contains:
 - An introduction that lists important information you should know, including a section on building, fire and electrical codes.
 - A resource section that includes a complete list of all WISHA rules, and the labor and industries (L&I) offices.
 Other WISHA rules may apply to you, depending on the activities and operations of your workplace. Contact your local L&I office if you are uncertain about which WISHA requirements apply to you.
- To go online to access the Safety & Health Core Rules: <http://lni.wa.gov/wisha/corerules/default.htm>
- For a CD or paper copy contact us:
Mail:
Labor and Industries
P.O. Box 44620
Olympia, WA 98504-4620
Telephone: 1-800-4BE-SAFE (1-800-423-7233)"

WAC 296-835-11010 Provide proper ventilation for the vapor area.

- Moved the first two bullets below the note for clarity.
- Replaced the word "or" with "and" where the two ANSI standards are referenced.

- Clarified the language relating to a separate exhaust system. Replaced the words "Chemical reaction" to "Potentially hazardous chemical reaction."

WAC 296-835-11015 Take additional precautions if you recirculate ventilation system exhaust air into the workplace.

- Rewrote this section. It now reads:
- "Only recirculate air that contains no substance at a concentration that could pose a health or safety hazard to employees."
- Make sure any exhaust system that recirculates air into the workplace:
 - Passes the air through a device that removes contaminants
 - Sounds an alarm and automatically shuts down the dip tank operation, if the vapor concentration of any substance in the exhaust air exceeds twenty-five percent of its LFL
 - Monitors the concentration of vapor from flammable or combustible liquids with approved equipment."

Note:

- The LFL concentration in the air must be determined after the air passes through the air-cleaning device and before the air reenters the workspace.
- Most substances will pose a health hazard at a concentration far below twenty-five percent of its LFL.

WAC 296-835-11020 Take additional precautions when using an exhaust hood.

- Clarified the language in the first bullet. It now reads:
- "Make sure each room with an exhaust hood has a source of outside air that:"

WAC 296-835-11035 Clean dip tanks safely.

- Changed the title of this section to, "Prepare dip tanks before cleaning."
- Incorporated the language "open any cleanout doors" in the first sub bullet. It now reads, "Drain the contents of the tank and open any cleanout doors."
- Added numbers to distinguish between hazards.

WAC 296-835-12020 Provide fire protection in the vapor area.

- Moved all the language except subsection (1) and the reference to WAC 296-835-12025.

WAC 296-835-12025 Make sure automatic fire extinguishing systems are adequate.

- Changed the title of this section to, "Provide additional fire protection for large dip tanks."
- Incorporated WAC 296-835-12020, 296-835-12025, and 296-835-12030 into this section for clarity. It now reads,

"You must:

- Provide at least one automatic fire extinguishing system or an automatic dip tank cover if the tank:
 - Holds one hundred fifty gallons or more of liquid
 or

- Has four square feet or more of liquid surface area
- Make sure automatic fire extinguishing systems or automatic dip tank covers meet the requirements of Table 1.

Exemption:

An automatic fire extinguishing system or an automatic dip tank cover is **not** required for a hardening or tempering tank that:

- Holds less than five hundred gallons or
- Has less than twenty-five square feet of liquid surface area.

Table 1: Automatic Fire Protection System Requirements

IF YOU PROVIDE:	THEN YOU MUST:
An automatic fire extinguishing system	<ul style="list-style-type: none"> • Use extinguishing materials suitable for a fire fueled by the liquid in the tank • Make sure the system protects the: <ul style="list-style-type: none"> - Tanks - Drain boards - Stock over drain boards
A dip tank cover	<ul style="list-style-type: none"> • Make sure the cover is: <ul style="list-style-type: none"> - Closed by approved automatic devices in the event of fire - Able to be manually activated - Kept closed when the tank is not being used - Made of noncombustible material or metal-clad material with locked metal joints.

Reference:

Automatic fire extinguishing systems have specific requirements. See:

- WAC 296-24-622 for automatic dry chemical extinguishing system requirements
- WAC 296-24-623 for automatic carbon dioxide extinguishing system requirements
- WAC 296-24-627 for automatic water spray extinguishing system and automatic foam extinguishing system requirements."

WAC 296-835-12030 Make sure dip tank covers are adequate.

- Incorporated this section into WAC 296-835-12025.

WAC 296-835-12035 Prevent static electricity sparks or arcs when adding liquids to a dip tank.

- Replaced the word "the" with "any" in the first bullet.

WAC 296-835-12040 Control ignition sources.

- Subsection (3): Replace the word "the" with "any."
- Subsection (3): Deleted first bullet.

- Subsection (3): Clarified language in the second bullet. It now reads, "Post an easily seen "no smoking" sign near each dip tank."

WAC 296-835-12050 Keep the area around dip tanks clear of combustible material and properly dispose of waste.

- Added numbers to distinguish between hazards.

WAC 296-835-13010 Meet specific requirements if you use electrostatic equipment.

- Added numbers and headings to distinguish between hazards.
- Reformatted for clarity.

WAC 296-835-13030 Control the spray if you spray a liquid over an open surface cleaning or degreasing tank.

- Changed the title of this section to, "Control liquid spray over an open surface cleaning or degreasing tank."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 33, Amended 2, Repealed 9; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 33, Amended 2, Repealed 9.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 33, Amended 2, Repealed 9.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 33, Amended 2, Repealed 9.

Effective Date of Rule: October 1, 2002.

July 17, 2002
Gary Moore
Director

Chapter 296-835 WAC

DIPPING AND COATING OPERATIONS (DIP TANKS)

NEW SECTION

WAC 296-835-100 Scope.

IMPORTANT:

A **dip tank** is a container holding a liquid other than plain water that is used for dipping or coating. An object may be completely or partially immersed (in a dip tank) or it may be suspended in a vapor coming from the tank.

Exemption: Dip tanks that use a molten material (molten metal, alloy, salt, etc.) are not covered by this chapter.

This chapter **applies** to:

PERMANENT

- A dip tank that uses a liquid other than plain water, or the vapor of the liquid, to:
 - Clean an object
 - Coat an object
 - Alter the surface of an object

OR

- Change the character of an object.
- Draining or drying an object that has been dipped or coated.

Examples of covered dipping and coating operations include, but are not limited to:

- Paint dipping
- Electroplating
- Anodizing
- Pickling
- Quenching
- Tanning
- Degreasing
- Stripping
- Cleaning
- Dyeing
- Flow coating
- Roll coating.

Reference: You have to do a hazard assessment to identify hazards or potential hazards in your workplace and determine if PPE is necessary to protect your employees. See personal protective equipment (PPE), WAC 296-800-160, in the core rules, chapter 296-800 WAC.

NEW SECTION

WAC 296-835-110 General requirements. Summary.

Your responsibility:

Safeguard employees working with dip tanks.

You must:

CONSTRUCTION

Construct safe dip tanks

WAC 296-835-11005

VENTILATION

Provide proper ventilation for the vapor area

WAC 296-835-11010

Take additional precautions if you recirculate ventilation system exhaust air into the workplace

WAC 296-835-11015

Take additional precautions when using an exhaust hood

WAC 296-835-11020

INSPECTION

Periodically inspect your dip tanks and associated equipment and correct any deficiencies

WAC 296-835-11025

FIRST AID

Make sure employees working near dip tanks know appropriate first aid procedures

WAC 296-835-11030

CLEANING

Prepare dip tanks before cleaning

WAC 296-835-11035

CYANIDE

Safeguard cyanide tanks

WAC 296-835-11040

WELDING

Protect employees during welding, burning or other work using open flames

WAC 296-835-11045

LIQUIDS HARMFUL TO SKIN

Provide additional protection for employees working near dip tanks that use liquid that may burn, irritate, or otherwise harm the skin

WAC 296-835-11050.

CONSTRUCTION

NEW SECTION

WAC 296-835-11005 Construct safe dip tanks.

You must:

- Make sure dip tanks, including any drain boards, are strong enough to support the expected load.

VENTILATION

NEW SECTION

WAC 296-835-11010 Provide proper ventilation for the vapor area.

You must:

- Make sure mechanical ventilation meets the requirements of one or more of the following standards:
 - NFPA 34-1995, Standard for Dipping and Coating Processes Using Flammable or Combustible Liquids
 - ACGIH's "Industrial Ventilation: A Manual of Recommended Practice" (22nd ed., 1995)
 - ANSI Z9.1-1971, Practices for Ventilation and Operation of Open-Surface Tanks and ANSI Z9.2-1979, Fundamentals Governing the Design and Operation of Local Exhaust Systems.

Note: Some, or all, of the consensus standards (such as ANSI and NFPA) may have been revised. If you comply with a later version of a consensus standard, you will be considered to have complied with any previous version of the same consensus standard.

You must:

- Limit the vapor area to the smallest practical space by using mechanical ventilation.
- Keep airborne concentration of any substance below twenty-five percent of its lower flammable limit (LFL).
- Make sure mechanical ventilation draws the flow of air into a hood or exhaust duct.
- Have a separate exhaust system for each dip tank if the combination of substances being removed could cause a:

- Fire
- Explosion

OR

- Potentially hazardous chemical reaction.

Reference: You need to keep employee exposure within safe levels when the liquid in a dip tank creates an exposure hazard. See Air contaminants, WAC 296-62-075 through 296-62-07515.

PERMANENT

Note: You may use a tank cover or material that floats on the surface of the liquid to replace or assist ventilation. The method or combination of methods you choose has to maintain the airborne concentration of the hazardous material and the employee's exposure within safe limits.

NEW SECTION

WAC 296-835-11015 Take additional precautions if you recirculate ventilation system exhaust air into the workplace.

You must:

- Only recirculate air that contains no substance at a concentration that could pose a health or safety hazard to employees.

- Make sure any exhaust system that recirculates air into the workplace:

- Passes the air through a device that removes contaminants

- Sounds an alarm and automatically shuts down the dip tank operation, if the vapor concentration of any substance in the exhaust air exceeds twenty-five percent of its LFL

- Monitors the concentration of vapor from flammable or combustible liquids with approved equipment.

Note:

- The LFL concentration in the air must be determined after the air passes through the air-cleaning device and before the air reenters the workspace.
- Most substances will pose a health hazard at a concentration far below twenty-five percent of its LFL.

NEW SECTION

WAC 296-835-11020 Take additional precautions when using an exhaust hood.

You must:

- Make sure each room with an exhaust hood has a source of outside air that:

- Enters the room in a way that will not interfere with the function of the hood

- Replaces at least ninety percent of the air taken in through the hood.

INSPECTION

NEW SECTION

WAC 296-835-11025 Periodically inspect your dip tanks and associated equipment and correct any deficiencies.

You must:

- Inspect or test your dip tanks and associated equipment periodically, including:

- Covers

- Overflow pipes

- Bottom drains and valves

- Electrical wiring, equipment, and grounding connections

- Ventilating systems

- Fire extinguishing equipment

- Inspect the hoods and ductwork of the ventilation system for corrosion and damage and make sure the airflow is adequate:

- At least quarterly during operation

- Prior to operation after a prolonged shutdown

- Promptly fix any deficiencies found.

Note:

- To assist you in tracking your inspections and actions taken from those inspections, you may want to keep a written record.

- It is recommended that inspections be at least quarterly even if the system is not operating. Depending on the chemicals in use more frequent inspection may be required.

FIRST AID

NEW SECTION

WAC 296-835-11030 Make sure employees working near dip tanks know appropriate first-aid procedures.

You must:

- Make sure your employees know the appropriate first-aid procedures for the hazards of your dipping and coating operations.

Note:

- First-aid procedures are contained in the Material Safety Data Sheet (MSDS) for the chemicals used in the dip tank.
- First-aid supplies appropriate for the hazards of the dipping or coating operation need to be located near the dip tank to be considered "readily available" as required by WAC 296-800-15020.

Reference: There are additional requirements that may include providing emergency washing facilities and employee training. See first aid, WAC 296-800-150, and employer chemical hazard communication, WAC 296-800-170, in the safety and health core rules, chapter 296-800 WAC.

CLEANING

NEW SECTION

WAC 296-835-11035 Prepare dip tanks before cleaning.

You must:

- (1) Drain the contents of the tank and open any cleanout doors.

- (2) Ventilate the tank to clear any accumulated hazardous vapors.

Reference: There may be requirements that apply before an employee enters a dip tank. See Permit-required confined spaces, WAC 296-62-141 and safety procedures, chapter 296-24 WAC, Part A-4.

CYANIDE

NEW SECTION

WAC 296-835-11040 Safeguard cyanide tanks.

You must:

- Provide a dike or other safeguard(s) to prevent cyanide from mixing with an acid if a dip tank fails.

Note: This would also apply to spills or other means by which cyanide could come in contact with an acid in sufficient quantity to produce a hazardous gas.

WELDING

NEW SECTION

WAC 296-835-11045 Protect employees during welding, burning, or other work using open flames.

You must:

- Make sure the dip tank and the area around it are thoroughly cleaned of solvents and vapors before performing work involving:

- Welding
- Burning

OR

- Open flames

Reference: There are additional requirements for this type of work. See Welding, cutting and brazing, chapter 296-24 WAC, Part I, and Respiratory protection, chapter 296-62 WAC, Part E.

LIQUIDS HARMFUL TO SKIN

NEW SECTION

WAC 296-835-11050 Protect employees that use liquids that may burn, irritate, or otherwise harm the skin.

You must:

(1) Make sure washing facilities, including hot water, are available for every ten employees that work with dip tank liquids.

(2) Satisfy medical requirements:

- Make sure an employee with any small skin abrasion, cut, rash, or open sore receives treatment by a properly designated person.

- Make sure an employee with a sore, burn, or other skin lesion that needs medical treatment, has a physician's approval before they perform their regular work.

- Make sure employees who work with chromic acid receive periodic examinations of their exposed body parts, especially their nostrils.

Note:

- Periodic means on a yearly basis unless otherwise indicated.
- Any time chromic acid spills onto an employee's skin or their clothing is saturated, a physician should be responsible for evaluating and monitoring the area where chromic acid made contact with the skin.

You must:

(3) Provide lockers or other storage space to prevent contamination of street clothes.

Reference: You have to do a hazard assessment to identify hazards or potential hazards in your workplace and determine if PPE is necessary to protect your employees. See Personal protective equipment (PPE), WAC 296-800-160, in the safety and health core rules, chapter 296-800 WAC.

NEW SECTION

WAC 296-835-120 Additional requirements for dip tanks using flammable or combustible liquids. Summary.

IMPORTANT:

This section applies to:

- Flammable and combustible liquids (flashpoint below 200°F)

- Liquids that have a flashpoint of 200°F (93.3°C) or higher if you:

- Heat the liquid
- Dip a heated object in the tank

Reference: Store flammable and combustible liquids as required by Flammable and combustible liquids, WAC 296-24-330, in the general safety and health standards.

Your responsibility:

Safeguard employees working with dip tanks containing flammable or combustible liquids

You must:

CONSTRUCTION

Include additional safeguards when constructing dip tanks

WAC 296-835-12005

Provide overflow pipes

WAC 296-835-12010

Provide bottom drains

WAC 296-835-12015

FIRE PROTECTION

Provide fire protection in the vapor area

WAC 296-835-12020

Provide additional fire protection for large dip tanks

WAC 296-835-12025

ELECTRICAL WIRING AND EQUIPMENT AND SOURCES

OF IGNITION

Prevent static electricity sparks or arcs when adding liquids to a dip tank

WAC 296-835-12035

Control ignition sources in the vapor area and adjacent area

WAC 296-835-12040

Provide safe wiring and electrical equipment where the liquid can drip or splash

WAC 296-835-12045

HOUSEKEEPING

Keep the area around dip tanks clear of combustible material and properly dispose of waste

WAC 296-835-12050

HEATING LIQUID

Make sure heating the liquid in your dip tanks does not cause a fire

WAC 296-835-12055

HEAT DRYING

Make sure a heating system used for drying objects does not cause a fire

WAC 296-835-12060

CONVEYORS

Make sure the conveyor system for dip tanks is safe

WAC 296-835-12065.

CONSTRUCTION

NEW SECTION

WAC 296-835-12005 Include additional safeguards when constructing dip tanks.

You must:

- (1) Make sure the dip tank, drain boards (if provided), and supports, are made of noncombustible material.
- (2) Make sure piping connections on drains and overflow pipes allow easy access to the inside of the pipe for inspection and cleaning.

NEW SECTION

WAC 296-835-12010 Provide overflow pipes.

You must:

- Provide an overflow pipe on dip tanks that:
 - Hold more than one hundred fifty gallons of liquid
- OR**
- Have more than ten square feet of liquid surface area
- Make sure the overflow pipe is:
 - Properly trapped
 - Able to prevent the dip tank from overflowing
 - Three inches or more (7.6 cm) in diameter
 - Discharged to a safe location.

Note: Discharged to a safe location could be a:
 – Safe location outside the building
OR
 – Closed, properly vented salvage tank or tanks that can hold more than the dip tank.

You must:

- Make sure the bottom of the overflow pipe is at least six inches (15.2 cm) below the top of the tank.

Note: The overflow pipe should be large enough to remove water applied to the liquid surface of the dip tank from automatic sprinklers or other sources in the event of fire. Smaller dip tanks should be equipped with overflow pipes, if practical.

NEW SECTION

WAC 296-835-12015 Provide bottom drains.

Exemption: A bottom drain is not required if:

- The viscosity of the liquid makes it impractical to empty the tank by gravity or pumping

OR

- The dip tank has an automatic closing cover that meets the requirements of WAC 296-835-12030.

You must:

- Provide a bottom drain on all dip tanks that hold more than five hundred gallons of liquid.
- Make sure the bottom drain:
 - Is properly trapped
 - Will empty the dip tank during a fire
- Has pipes large enough to empty the tank within five minutes
 - Uses automatic pumps if gravity draining is not practical
 - Is capable of both manual and automatic operation
 - Discharges to a safe location.

Note: Discharges to a safe location could be a:
 – Safe location outside the building
OR
 – Closed, properly vented salvage tank or tanks that can hold more than the dip tank.

You must:

- Make sure manual operation of the bottom drain is performed from a safe and easily accessible location.

FIRE PROTECTION

NEW SECTION

WAC 296-835-12020 Provide fire protection in the vapor area.

You must:

- Provide a manual fire extinguisher near the tank that is suitable for putting out flammable and combustible liquid fires.

NEW SECTION

WAC 296-835-12025 Provide additional fire protection for large dip tanks.

You must:

- Provide at least one automatic fire extinguishing system or an automatic dip tank cover if the tank:
 - Holds one hundred fifty gallons or more of liquid
- OR**
- Has four square feet or more of liquid surface area.
- Make sure automatic fire extinguishing systems or automatic dip tank covers meet the requirements of Table 1.

Exemption: An automatic fire extinguishing system or an automatic dip tank cover is **not** required for a hardening or tempering tank that:

- Holds less than five hundred gallons
- OR**
- Has less than twenty-five square feet of liquid surface area.

Table 1: Automatic Fire Protection System Requirements

IF YOU PROVIDE:	THEN YOU MUST:
An automatic fire extinguishing system	<ul style="list-style-type: none"> • Use extinguishing materials suitable for a fire fueled by the liquid in the tank • Make sure the system protects the: <ul style="list-style-type: none"> – Tanks – Drain boards – Stock over drain boards.
A dip tank cover	<ul style="list-style-type: none"> • Make sure the cover is: <ul style="list-style-type: none"> – Closed by approved automatic devices in the event of fire – Able to be manually activated – Kept closed when the tank is not being used – Made of noncombustible material or metal-clad material with locked metal joints.

PERMANENT

Reference: Automatic fire extinguishing systems have specific requirements. See:

- WAC 296-24-622 for automatic dry chemical extinguishing system requirements
- WAC 296-24-623 for automatic carbon dioxide extinguishing system requirements
- WAC 296-24-627 for automatic water spray extinguishing system and automatic foam extinguishing system requirements.

ELECTRICAL WIRING AND EQUIPMENT AND SOURCES OF IGNITION

NEW SECTION

WAC 296-835-12035 Prevent static electricity sparks or arcs when adding liquids to a dip tank.

You must:

- Make sure any portable container used to add liquid to the tank is:
 - Electrically bonded to the dip tank
 - Positively grounded.

NEW SECTION

WAC 296-835-12040 Control ignition sources.

You must:

- (1) Make sure the vapor areas and adjacent areas do not have any:
 - Open flames.
 - Spark producing devices.
 - Heated surfaces hot enough to ignite vapors.
- (2) Use explosion-proof wiring and equipment in the vapor area.

Reference: Electrical wiring and equipment has to meet the requirements of the applicable hazardous (classified) location. See Hazardous (classified) locations, WAC 296-24-95613. Electrostatic equipment has specific electrical requirements. See WAC 296-835-13010.

You must:

- (3) Prohibit smoking in any vapor area:
 - Post an easily seen "NO SMOKING" sign near each dip tank.

NEW SECTION

WAC 296-835-12045 Provide safe electrical wiring and equipment where the liquid can drip or splash.

You must:

- Make sure all electrical wiring and equipment in the vapor area is approved for areas that have:
 - Deposits of easily ignited residue
 - Explosive vapor

Exemption: This does not apply to wiring that is:

- In rigid conduit, threaded boxes or fittings
- Has no taps, splices, or terminal connections.

HOUSEKEEPING

NEW SECTION

WAC 296-835-12050 Keep the area around dip tanks clear of combustible material and properly dispose of waste.

You must:

- (1) Make sure the area surrounding dip tanks is:
 - Completely free of combustible debris
 - As free of combustible stock as possible.
- (2) Provide approved metal waste cans that are:
 - Used for immediate disposal of rags and other material contaminated with liquids from dipping or coating operations
 - Emptied and the contents properly disposed of at the end of each shift.

HEATING LIQUID

NEW SECTION

WAC 296-835-12055 Make sure heating the liquid in your dip tanks does not cause a fire.

You must:

- Keep the temperature of the liquid in the dip tank:
 - Below the liquid's boiling point
 - At least 100°F below the liquid's autoignition temperature.

HEAT DRYING

NEW SECTION

WAC 296-835-12060 Make sure a heating system used for drying objects does not cause a fire.

You must:

- Make sure the heating system used in a drying operation that could cause ignition:
 - Has adequate mechanical ventilation that operates before and during the drying operation
 - Shuts down automatically if a ventilating fan fails to maintain adequate ventilation
 - Is installed as required by NFPA 86-1999, Standard for Ovens and Furnaces.

Note: Some, or all, of the consensus standards (such as ANSI and NFPA) may have been revised. If you comply with a later version of a consensus standard, you will be considered to have complied with any previous version of the same consensus standard.

CONVEYORS

NEW SECTION

WAC 296-835-12065 Make sure conveyor systems are safe.

You must:

- Make sure the conveyor system shuts down automatically if:

– The ventilation system fails to maintain adequate ventilation

OR

– There is a fire.

NEW SECTION

WAC 296-835-130 Additional requirements for dip tanks used for specific processes. Summary.

Your responsibility: Safeguard employees working with dip tanks used for specific processes

You must:

HARDENING OR TEMPERING

Meet specific requirements if you use a hardening or tempering tank

WAC 296-835-13005

ELECTROSTATIC EQUIPMENT

Meet specific requirements if you use electrostatic equipment

WAC 296-835-13010

FLOW COATING

Meet specific requirements if you use flow coating

WAC 296-835-13015

ROLL COATING

Take additional precautions if your roll coating operation uses a liquid that has a flashpoint below 140°F (60°C)

WAC 296-835-13020

VAPOR DEGREASING

Provide additional safeguards for vapor degreasing tanks

WAC 296-835-13025

SPRAY CLEANING OR DEGREASING

Control liquid spray over an open surface cleaning or degreasing tank

WAC 296-835-13030.

HARDENING OR TEMPERING

NEW SECTION

WAC 296-835-13005 Meet specific requirements if you use a hardening or tempering tank.

You must:

(1) Provide an automatic fire extinguishing system or an automatic dip tank cover for any hardening and tempering tank that uses flammable or combustible liquids and:

- Holds five hundred gallons (1893 L) or more of liquid

OR

– Has twenty-five square feet (2.37 m²) or more of liquid surface area.

(2) Prevent fires.

- Make sure hardening and tempering tanks are:

- **Not** located on or near combustible flooring.

- Located as far away as practical from furnaces.

- Equipped with noncombustible hoods and vents (or equally effective devices) for venting to the outside.

- Treat vent ducts as flues and keep them away from combustible material, particularly roofs.

(3) Make sure air under pressure is not used to:

- Fill the tank

OR

- Agitate the liquid in the tank.

(4) Equip each tank with an alarm that will sound when the temperature is within 50°F (10°C) of the liquid's flashpoint (alarm set point).

(5) Make sure a limit switch shuts down conveyors supplying work to the tank when the temperature reaches the alarm setpoint, if operationally practical.

(6) Have a circulating cooling system if the temperature of the liquid can exceed the alarm set point.

Note: The bottom drain of the tank may be combined with the oil circulating system if the requirements for bottom drains in WAC 296-835-12015 are satisfied.

ELECTROSTATIC EQUIPMENT

NEW SECTION

WAC 296-835-13010 Meet specific requirements if you use electrostatic equipment.

ELECTRICAL

You must:

(1) Provide safe electrical equipment.

- Make sure electrodes in your equipment are:

- Substantial

- Rigidly supported

- Permanently located

- Effectively insulated from ground by insulators

- Make sure the insulators are:

- Nonporous

- Noncombustible

- Kept clean and dry

- Make sure high voltage leads to electrodes are effectively:

- Supported on permanent, suitable insulators

- Guarded against accidental contact or grounding.

(2) Make sure transformers, powerpacks, control apparatus, and all other electrical parts of the equipment:

- Are located outside the vapor area

OR

- Meet the requirements of WAC 296-835-12040.

Exemption: High voltage grids and their connections may be located in the vapor area without meeting the requirements of WAC 296-835-12040.

PAINT DETEARING

You must:

(3) Safeguard paint detearing operations.

- Use approved electrostatic equipment in paint detearing operations.

(4) Make sure goods being paint deteared are:

- Supported on conveyors

- **Not** manually handled.

(5) Keep a minimum safe distance (twice the sparking distance) between goods being paint deteared and the electrodes or conductors of the electrostatic equipment at all times by:

- Arranging the conveyors to provide the necessary distance

PERMANENT

- Supporting the goods to prevent swinging or movement, if necessary
- Post a sign that shows the minimum safe distance (twice the sparking distance) near the equipment, where it can be easily seen.

(6) Keep paint detearing operations separate from storage areas and people by using fences, rails or guards that are:

- Made of conducting material
- Adequately grounded.

(7) Protect paint detearing operations from fire by installing:

- Automatic sprinklers

OR

- An approved automatic fire extinguishing system.

(8) Collect and remove paint deposits by:

- Providing removable drip plates and screens
- Cleaning these plates and screens in a safe location.

AUTOMATIC DISCONNECT REQUIREMENT

You must:

(9) Make sure electrostatic equipment has automatic controls that immediately disconnect the power supply to the high-voltage transformer and signal the operator, if:

- Ventilating fans or equipment stop or fail for any reason

- Conveyors do not work properly
- A ground (or imminent ground) occurs anywhere in the high-voltage system

OR

- Goods being paint deteared come within twice the sparking distance of the electrodes or conductors of the equipment.

FLOW COATING

NEW SECTION

WAC 296-835-13015 Meet specific requirements if you use a flow coating process.

You must:

(1) Make sure all piping is substantial and rigidly supported.

(2) Make sure the paint is supplied by a:

- Gravity tank that does not hold more than ten gallons (38 L)

OR

- Direct low-pressure pumping system.

(3) Have an approved heat-actuated device that shuts down the pumping system if there is a fire.

Note: The area of the sump, and any areas on which paint flows, should be included in the area of dip tank.

ROLL COATING

NEW SECTION

WAC 296-835-13020 Take additional precautions if your roll coating operation uses a liquid that has a flashpoint below 140°F (60°C).

IMPORTANT:

This section applies to the processes of roll coating, roll spreading, or roll impregnating that use a liquid having a flashpoint below 140°F (60°C). Material may be passed directly through a tank or over the surface of a roller that revolves partially submerged in the liquid.

You must:

- Prevent sparks from static electricity by:
 - Bonding and grounding all metallic parts (including rotating parts) and installing static collectors

OR

- Maintaining a conductive atmosphere (one with a high relative humidity, for example) in the vapor area.

VAPOR DEGREASING

NEW SECTION

WAC 296-835-13025 Provide additional safeguards for vapor degreasing tanks.

You must:

(1) Make sure, if the tank has a condenser or a vapor-level thermostat, that it keeps the vapor level at least:

- Thirty-six inches (91 cm) below the top of the tank if the width of the tank is seventy-two inches or more

OR

- One-half the tank width below the top of the tank if the tank is less than seventy-two inches wide.

(2) Make sure, if you use gas as a fuel to heat the tank liquid, that the combustion chamber is airtight (except for the flue opening) to prevent solvent vapors from entering the air-fuel mixture.

(3) Make sure the exhaust flue:

- Is made of corrosion-resistant material
- Extends to the outside
- Has a draft diverter if mechanical exhaust is used.

(4) Take special precautions to keep solvent vapors from mixing with the combustion air of the heater if chlorinated or fluorinated hydrocarbon solvents (for example, trichloroethylene or freon) are used in the dip tank.

(5) Keep the temperature of the heating element low enough to keep a solvent or mixture from:

- Decomposing

OR

- Generating excessive vapor.

SPRAY CLEANING OR DEGREASING

NEW SECTION

WAC 296-835-13030 Control liquid spray over an open surface cleaning or degreasing tank.

You must:

- Control the spray to the greatest extent feasible by:
 - Enclosing the spraying operation as completely as possible
 - Using mechanical ventilation to provide enough inward air velocity to prevent the spray from leaving the vapor area.

Note: Mechanical baffles may be used to help prevent the discharge of spray.

Reference: Spray painting operations are covered in Spray finishing using flammable and combustible materials, WAC 296-24-370, and Spray-finishing operations, WAC 296-62-11019.

NEW SECTION

WAC 296-835-140 Definitions. ACGIH: American Conference of Governmental Industrial Hygienists.

Adjacent area: Any area within twenty feet (6.1 m) of a vapor area that is not separated from the vapor area by tight partitions.

ANSI: American National Standards Institute.

Approved: Approved or listed by a nationally recognized testing laboratory. Refer to federal regulation 29 CFR 1910.7, for definition of nationally recognized testing laboratory.

Autoignition temperature: The minimum temperature required to cause self-sustained combustion without any other source of heat.

Combustible liquid: A liquid having a flashpoint of at least 100°F (37.8°C) and below 200°F (93.3°C). Mixtures with at least ninety-nine percent of their components having flashpoints of 200°F (93.3°C) or higher are not considered combustible liquids.

Detearing: A process for removing excess wet coating material from the bottom edge of a dipped or coated object or material by passing it through an electrostatic field.

Dip tank: A container holding a liquid other than plain water that is used for dipping or coating. An object may be immersed (or partially immersed) in a dip tank or it may be suspended in a vapor coming from the tank.

Flammable liquid: Any liquid having a flashpoint below 100°F (37.8°C), except any mixture having components with flashpoints of 100°F (37.8°C) or higher, the total of which make up ninety-nine percent or more of the total volume of the mixture.

Flashpoint: The minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite when tested by any of the measurement methods described in the definition of flashpoint in the safety and health core rules, WAC 296-800-370.

Lower flammable limit: The lowest concentration of a material that will propagate a flame. The LFL is usually expressed as a percent by volume of the material in air (or other oxidant).

NFPA: National Fire Protection Association.

Vapor area: Any area in the vicinity of dip tanks, their drain boards or associated drying, conveying, or other equipment where the vapor concentration could exceed twenty-five percent of the lower flammable limit (LFL) for the liquid in the tank.

You: Means the employer. See the definition of employer in the safety and health core rules, WAC 296-800-370.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-62-11021 Open surface tanks.

Note: The requirements in this section apply only to agriculture. The general industry requirements relating to dipping and coating operations (dip tanks) have been moved to chapter 296-835 WAC.

(1) General.

(a) This section applies to all operations involving the immersion of materials in liquids, or in the vapors of such liquids, for the purpose of cleaning or altering the surface or adding to or imparting a finish thereto or changing the character of the materials, and their subsequent removal from the liquid or vapor, draining, and drying. These operations include washing, electroplating, anodizing, pickling, quenching, dyeing, dipping, tanning, dressing, bleaching, degreasing, alkaline cleaning, stripping, rinsing, digesting, and other similar operations.

(b) Except where specific construction specifications are prescribed in this section, hoods, ducts, elbows, fans, blowers, and all other exhaust system parts, components, and supports thereof shall be so constructed as to meet conditions of service and to facilitate maintenance and shall conform in construction to the specifications contained in American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2-1960.

(2) Classification of open-surface tank operations.

(a) Open-surface tank operations shall be classified into 16 classes, numbered A-1 to D-4, inclusive.

(b) Determination of class. Class is determined by two factors, hazard potential designated by a letter from A to D, inclusive, and rate of gas, vapor, or mist evolution designated by a number from 1 to 4, inclusive (for example, B.3).

(c) Hazard potential is an index, on a scale of from A to D, inclusive, of the severity of the hazard associated with the substance contained in the tank because of the toxic, flammable, or explosive nature of the vapor, gas, or mist produced therefrom. The toxic hazard is determined from the concentration, measured in parts by volume of a gas or vapor, per million parts by volume of contaminated air (ppm), or in milligrams of mist per cubic meter of air (mg/m³), below which ill effects are unlikely to occur to the exposed worker. The concentrations shall be those in WAC 296-62-075 through 296-62-07515.

(d) The relative fire or explosion hazard is measured in degrees Fahrenheit in terms of the closed-cup flash point of the substance in the tank. Detailed information on the prevention of fire hazards in dip tanks may be found in Dip Tanks Containing Flammable or Combustible Liquids, NFPA No. 34-1966, National Fire Protection Association. Where the tank contains a mixture of liquids, other than organic solvents, whose effects are additive, the hygienic standard of the most toxic component (for example, the one having the lowest ppm or mg/m³) shall be used, except where such substance constitutes an insignificantly small fraction of the mixture. For mixtures of organic solvents, their combined effect, rather than that of either individually, shall determine the hazard potential. In the absence of information to the contrary, the effects shall be considered as additive. If the sum of

the ratios of the airborne concentration of that contaminant exceeds unity, the toxic concentration shall be considered to have been exceeded. (See Note A of (2)(e) of this section.)

(e) Hazard potential shall be determined from Table 16, with the value indicating greater hazard being used. When the hazardous material may be either a vapor with a permissible exposure limit in ppm or a mist with a TLV in mg/m³, the TLV indicating the greater hazard shall be used (for example, A takes precedence over B or C; B over C; C over D).

Note A:

$$\frac{c_1}{PEL} + \frac{c_2}{PEL} + \frac{c_3}{PEL} + \dots + \frac{c_N}{PEL} > 1$$

where:

c = Concentration measured at the operation in ppm.

TABLE 16
DETERMINATION OF HAZARD POTENTIAL

Hazard potential	Toxicity Group			
	Gas or vapor (ppm)	Mist (mg/m ³)		Flash point (in degrees F.)
A	0 - 10	0	0.1
B	11 - 100	0.11	1.0	Under 100
C	101 - 500	1.1	10	100-200
D	Over 500	Over 10	Over 10	Over 200

(f) Rate of gas, vapor, or mist evolution is a numerical index, on a scale of from 1 to 4, inclusive, both of the relative capacity of the tank to produce gas, vapor, or mist and of the relative energy with which it is projected or carried upwards from the tank. Rate is evaluated in terms of;

(i) The temperature of the liquid in the tank in degrees Fahrenheit;

(ii) The number of degrees Fahrenheit that this temperature is below the boiling point of the liquid in degrees Fahrenheit;

(iii) The relative evaporation of the liquid in still air at room temperature in an arbitrary scale—fast, medium, slow, or nil; and

(iv) The extent that the tank gases or produces mist in an arbitrary scale—high, medium, low, and nil. (See Table 17, Note 2.) Gassing depends upon electrochemical or mechanical processes, the effects of which have to be individually evaluated for each installation (see Table 17, Note 3).

(g) Rate of evolution shall be determined from Table 17. When evaporation and gassing yield different rates, the lowest numerical value shall be used.

TABLE 17
DETERMINATION OF RATE OF GAS, VAPOR, OR MIST EVOLUTION¹

Rate	Liquid temperature, °F	Degrees below boiling point		Relative Gassing ³
		Evaporation ²		
1	Over 200	0-20	Fast	High
2	150-200	21-50	Medium	Medium
3	94-149	51-100	Slow	Low
4	Under 94	Over 100	Nil	Nil

Note 1. In certain classes of equipment, specifically vapor degreasers, an internal condenser or vapor level thermostat is used to prevent the vapor from leaving the tank during normal operations. In such cases, rate of vapor evolution from the tank into the workroom is not dependent upon the factors listed in the table, but rather upon abnormalities of operating procedure, such as carry out of vapors from excessively fast action, dragout of liquid by entrainment in parts, contamination of solvent by water and other materials, or improper heat balance. When operating procedure is excellent, effective rate of evolution may be taken as 4. When operating procedures are average, the effective rate of evolution may be taken as 3. When operation is poor, a rate of 2 or 1 is indicated, depending upon observed conditions.

Note 2. Relative evaporation rate is determined according to the methods described by A. K. Doolittle in Industrial and Engineering Chemistry, vol. 27, p. 1169, (3) where time for 100— percent evaporation is as follows: Fast: 0-3 hours; Medium: 3-12 hours; Slow: 12-50 hours; Nil: more than 50 hours.

Note 3. Gassing means the formation by chemical or electrochemical action of minute bubbles of gas under the surface of the liquid in the tank and is generally limited to aqueous solutions.

(3) Ventilation. Where ventilation is used to control potential exposures to workers as defined in (2)(c) of this section, it shall be adequate to reduce the concentration of the air contaminant to the degree that a hazard to the worker does not exist. Methods of ventilation are discussed in American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2-1960.

(4) Control requirements.

(a) Control velocities shall conform to Table 18 in all cases where the flow of air past the breathing or working zone of the operator and into the hoods is undisturbed by local environmental conditions, such as open windows, wall fans, unit heaters, or moving machinery.

(b) All tanks exhausted by means of hoods which;

(i) Project over the entire tank;

(ii) Are fixed in position in such a location that the head of the workman, in all his normal operating positions while working at the tank, is in front of all hood openings; and

(iii) Are completely enclosed on at least two sides, shall be considered to be exhausted through an enclosing hood.

(iv) The quantity of air in cubic feet per minute necessary to be exhausted through an enclosing hood shall be not less than the product of the control velocity times the net area of all openings in the enclosure through which air can flow into the hood.

TABLE 18
CONTROL VELOCITIES IN FEET PER MINUTE (F.P.M.) FOR UNDISTURBED LOCATIONS

Class (See Sub-paragraph (2) and Tables 16 and 17)	Enclosing hood (See Subparagraph (4)(ii))		Lateral exhaust ¹ (See Subparagraph (4)(iii))	Canopy hood ² (See Sub-paragraph (4)(iv))	
	One open side	Two open sides		Three open sides	Four open sides
A-1 and A-2	100	150	150	Do not use	Do not use

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TABLE 18
CONTROL VELOCITIES IN FEET PER MINUTE (F.P.M.) FOR UNDISTURBED LOCATIONS

Class (See Sub-paragraph (2) and Tables 16 and 17)	Enclosing hood (See Subparagraph (4)(ii))		Lateral exhaust ¹ (See Subparagraph (4)(iii))	Canopy hood ² (See Subparagraph (4)(iv))	
	One open side	Two open sides		Three open sides	Four open sides
A-3 (Note ²), B-1, B-2, and C-1	75	100	100	125	175
B-3, C-2, and D-1 (Note ³)	65	90	75	100	150
A-4 (Note ²), C-3, and D-2 (Note ³)	50	75	50	75	125
B-4, C-4, D-3 (Note ³), and D-4	General room ventilation required.				

¹ See Table 19 for computation of ventilation rate.
² Do not use canopy hood for Hazard Potential A processes.
³ Where complete control of hot water is desired, design as next highest class.

(c) All tanks exhausted by means of hoods which do not project over the entire tank, and in which the direction of air movement into the hood or hoods is substantially horizontal, shall be considered to be laterally exhausted. The quantity of air in cubic feet per minute necessary to be laterally exhausted per square foot of tank area in order to maintain the required control velocity shall be determined from Table 19 for all variations in ratio of tank width (W) to tank length (L). The total quantity of air in cubic feet per minute required to be exhausted per tank shall be not less than the product of the area of tank surface times the cubic feet per minute per square foot of tank area, determined from Table 19.

(i) For lateral exhaust hoods over 42 inches wide, or where it is desirable to reduce the amount of air removed from the workroom, air supply slots or orifices shall be provided along the side or the center of the tank opposite from the exhaust slots. The design of such systems shall meet the following criteria:

- (A) The supply air volume plus the entrained air shall not exceed 50 percent of the exhaust volume.
- (B) The velocity of the supply airstream as it reaches the effective control area of the exhaust slot shall be less than the effective velocity over the exhaust slot area.
- (C) The vertical height of the receiving exhaust hood, including any baffle, shall not be less than one-quarter the width of the tank.
- (D) The supply airstream shall not be allowed to impinge on obstructions between it and the exhaust slot in such a man-

ner as to significantly interfere with the performance of the exhaust hood.

TABLE 19
MINIMUM VENTILATION RATE IN CUBIC FEET OF AIR PER MINUTE PER SQUARE FOOT OF TANK AREA FOR LATERAL EXHAUST

Required minimum control velocity, f.p.m. (from Table)	C.f.m. per sq. ft. to maintain required minimum velocities at following ratios (tank width (W)/tank length (L)). ^{1 3}				
	0.0-0.09	0.1-0.24	0.25-0.49	0.5-0.99	1.0-2.0
Hood along one side or two parallel sides of tank when one hood is against a wall or baffle. ²					
Also for a manifold along tank centerline. ³					
50	50	60	75	90	100
75	75	90	110	130	150
100	100	125	150	175	200
150	150	190	225	260	300
Hood along one side or two parallel sides of free standing tank not against wall or baffle.					
50	75	90	100	110	125
75	110	130	150	170	190
100	150	175	200	225	250
150	225	260	300	340	375

¹ It is not practicable to ventilate across the long dimension of a tank whose ratio W/L exceeds 2.0.
 It is understandable to do so when W/L exceeds 1.0. For circular tanks with lateral exhaust along up the circumference use W/L = 1.0 for over one-half the circumference use W/L = 0.5.
² Baffle is a vertical plate the same length as the tank, and with the top of the plate as high as the tank is wide. If the exhaust hood is on the side of a tank against a building wall or close to it, it is perfectly baffled.
³ Use W/L as tank width in computing when manifold is along centerline, or when hoods are used on two parallel sides of a tank.
 Tank Width (W) means the effective width over which the hood must pull air to operate (for example, where the hood face is not back from the edge of the tank, this set back must be added in measuring tank width). The surface area of tanks can frequently be reduced and better control obtained (particularly on conveyORIZED systems) by using covers extending from the upper edges of the slots toward the center of the tank.

(E) Since most failure of push-pull systems result from excessive supply air volumes and pressures, methods of measuring and adjusting the supply air shall be provided. When satisfactory control has been achieved, the adjustable features of the hood shall be fixed so that they will not be altered.

(d) All tanks exhausted by means of hoods which project over the entire tank, and which do not conform to the definition of enclosing hoods, shall be considered to be overhead canopy hoods. The quantity of air in cubic feet per minute necessary to be exhausted through a canopy hood shall be not less than the product of the control velocity times the net area of all openings between the bottom edges of the hood and the top edges of the tank.

(e) The rate of vapor evolution (including steam or products of combustion) from the process shall be estimated. If the rate of vapor evolution is equal to or greater than 10 per-

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cent of the calculated exhaust volume required, the exhaust volume shall be increased in equal amount.

(5) Spray cleaning and degreasing. Wherever spraying or other mechanical means are used to disperse a liquid above an open-surface tank, control must be provided for the airborne spray. Such operations shall be enclosed as completely as possible. The inward air velocity into the enclosure shall be sufficient to prevent the discharge of spray into the workroom. Mechanical baffles may be used to help prevent the discharge of spray. Spray painting operations are covered in WAC 296-62-11019.

(6) Control means other than ventilation. Tank covers, foams, beads, chips, or other materials floating on the tank surface so as to confine gases, mists, or vapors to the area under the cover or to the foam, bead, or chip layer; or surface tension depressive agents added to the liquid in the tank to minimize mist formation, or any combination thereof, may all be used as gas, mist, or vapor control means for open-surface tank operations, provided that they effectively reduce the concentrations of hazardous materials in the vicinity of the worker below the limits set in accordance with (2) of this section.

(7) System design.

(a) The equipment for exhausting air shall have sufficient capacity to produce the flow of air required in each of the hoods and openings of the system.

(b) The capacity required in (7)(a) of this section shall be obtained when the airflow producing equipment is operating against the following pressure losses, the sum of which is the static pressure:

(i) Entrance losses into the hood.

(ii) Resistance to airflow in branch pipe including bends and transformations.

(iii) Entrance loss into the main pipe.

(iv) Resistance to airflow in main pipe including bends and transformations.

(v) Resistance of mechanical equipment; that is, filters, washers, condensers, absorbers, etc., plus their entrance and exit losses.

(vi) Resistance in outlet duct and discharge stack.

(c) Two or more operations shall not be connected to the same exhaust system where either one or the combination of the substances removed may constitute a fire, explosion, or chemical reaction hazard in the duct system. Traps or other devices shall be provided to insure that condensate in ducts does not drain back into any tank.

(d) The exhaust system, consisting of hoods, ducts, air mover, and discharge outlet shall be designed in accordance with American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2-1960, or the manual, Industrial Ventilation, published by the American Conference of Governmental Industrial Hygienists. Airflow and pressure loss data provided by the manufacturer of any air cleaning device shall be included in the design calculations.

(8) Operation.

(a) The required airflow shall be maintained at all times during which gas, mist, or vapor is emitted from the tank, and at all times the tank, the draining, or the drying area is in operation or use. When the system is first installed, the air-

flow from each hood shall be measured by means of a pitot traverse in the exhaust duct and corrective action taken if the flow is less than that required. When the proper flow is obtained, the hood static pressure shall be measured and recorded. At intervals of not more than 3 months operation, or after a prolonged shutdown period, the hoods and duct system shall be inspected for evidence of corrosion or damage. In any case where the airflow is found to be less than required, it shall be increased to the required value. (Information on airflow and static pressure measurement and calculations may be found in American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2-1960, or in the manual, Industrial Ventilation, published by the American Conference of Governmental Industrial Hygienists.)

(b) The exhaust system shall discharge to the outer air in such a manner that the possibility of its effluent entering any building is at a minimum. Recirculation shall only be through a device for contaminant removal which will prevent the creation of a health hazard in the room or area to which the air is recirculated.

(c) A volume of outside air in the range of 90 percent to 110 percent of the exhaust volume shall be provided to each room having exhaust hoods. The outside air supply shall enter the workroom in such a manner as not to be detrimental to any exhaust hood. The airflow of the makeup air system shall be measured on installation. Periodically, thereafter, the airflow should be remeasured, and corrective action shall be taken when the airflow is below that required. The makeup air shall be uncontaminated.

(9) Personal protection.

(a) All employees working in and around open surface tank operations must be instructed as to the hazards of their respective jobs, and in the personal protection and first aid procedures applicable to these hazards.

(b) All persons required to work in such a manner that their feet may become wet shall be provided with rubber or other impervious boots or shoes, rubbers, or wooden-soled shoes sufficient to keep feet dry.

(c) All persons required to handle work wet with a liquid other than water shall be provided with gloves impervious to such a liquid and of a length sufficient to prevent entrance of liquid into the tops of the gloves. The interior of gloves shall be kept free from corrosive or irritating contaminants.

(d) All persons required to work in such a manner that their clothing may become wet shall be provided with such aprons, coats, jackets, sleeves, or other garments made of rubber, or of other materials impervious to liquids other than water, as are required to keep their clothing dry. Aprons shall extend well below the top of boots to prevent liquid splashing into the boots. Provision of dry, clean, cotton clothing along with rubber shoes or short boots and an apron impervious to liquids other than water shall be considered a satisfactory substitute where small parts are cleaned, plated, or acid dipped in open tanks and rapid work is required.

(e) Whenever there is a danger of splashing, for example, when additions are made manually to the tanks, or when acids and chemicals are removed from the tanks, the employees so engaged shall be required to wear either tight-fitting chemical goggles or an effective face shield. ((See WAC

~~296-800-160-))~~ (See chapter 296-307 WAC, Part H, Personal protective equipment.)

(f) When, during emergencies as described in (11)(e) of this section, employees must be in areas where concentrations of air contaminants are greater than the limit set by (2)(c) of this section or oxygen concentrations are less than 19.5%, they must be required to wear respirators adequate to reduce their exposure to a level below these limits or that provide adequate oxygen. Such respirators must also be provided in marked, quickly accessible storage compartments built for the purpose, when there exists the possibility of accidental release of hazardous concentrations of air contaminants. Respirators must be certified by NIOSH under 42 CFR part 84 and used in accordance with the applicable provisions of chapter 296-62 WAC Part E.

(g) Near each tank containing a liquid which may burn, irritate, or otherwise be harmful to the skin if splashed upon the worker's body, there shall be a supply of clean cold water. The water pipe (carrying a pressure not exceeding 25 pounds) shall be provided with a quick opening valve and at least 48 inches of hose not smaller than three-fourths inch, so that no time may be lost in washing off liquids from the skin or clothing. Alternatively, deluge showers and eye flushes shall be provided in cases where harmful chemicals may be splashed on parts of the body.

(h) Operators with sores, burns, or other skin lesions requiring medical treatment shall not be allowed to work at their regular operations until so authorized by a physician. Any small skin abrasions, cuts, rash, or open sores which are found or reported shall be treated by a properly designated person so that chance of exposures to the chemicals are removed. Workers exposed to chromic acids shall have a periodic examination made of the nostrils and other parts of the body, to detect incipient ulceration.

(i) Sufficient washing facilities, including soap, individual towels, and hot water, shall be provided for all persons required to use or handle any liquids which may burn, irritate, or otherwise be harmful to the skin, on the basis of at least one basin (or its equivalent) with a hot water faucet for every 10 employees. (~~(See WAC 296-800-230-))~~ (See chapter 296-307 WAC, Safety standards for agriculture.)

(j) Locker space or equivalent clothing storage facilities shall be provided to prevent contamination of street clothing.

(k) First aid facilities specific to the hazards of the operations conducted shall be readily available.

(10) Special precautions for cyanide. Dikes or other arrangements shall be provided to prevent the possibility of intermixing of cyanide and acid in the event of tank rupture.

(11) Inspection, maintenance, and installation.

(a) Floors and platforms around tanks shall be prevented from becoming slippery both by original type of construction and by frequent flushing. They shall be firm, sound, and of the design and construction to minimize the possibility of tripping.

(b) Before cleaning the interior of any tank, the contents shall be drained off, and the cleanout doors shall be opened where provided. All pockets in tanks or pits, where it is possible for hazardous vapors to collect, shall be ventilated and cleared of such vapors.

(c) Tanks which have been drained to permit employees to enter for the purposes of cleaning, inspection, or maintenance may contain atmospheres which are hazardous to life or health, through the presence of flammable or toxic air contaminants, or through the absence of sufficient oxygen. Before employees shall be permitted to enter any such tank, appropriate tests of the atmosphere shall be made to determine if the limits set by (2)(c) of this section are exceeded, or if the oxygen concentration is less than 19.5%.

(d) If the tests made in accordance with (11)(c) of this section indicate that the atmosphere in the tank is unsafe, before any employee is permitted to enter the tank, the tank shall be ventilated until the hazardous atmosphere is removed, and ventilation shall be continued so as to prevent the occurrence of a hazardous atmosphere as long as an employee is in the tank.

(e) If, in emergencies, such as rescue work, it is necessary to enter a tank which may contain a hazardous atmosphere, suitable respirators, such as self-contained breathing apparatus; hose mask with blower, if there is a possibility of oxygen deficiency; or a gas mask, selected and operated in accordance with (9)(f) of this section, shall be used. If a contaminant in the tank can cause dermatitis, or be absorbed through the skin, the employee entering the tank shall also wear protective clothing. At least one trained standby employee, with suitable respirator, shall be present in the nearest uncontaminated area. The standby employee must be able to communicate with the employee in the tank and be well able to haul him out of the tank with a lifeline if necessary.

(f) Maintenance work requiring welding or open flame, where toxic metal fumes such as cadmium, chromium, or lead may be evolved, shall be done only with sufficient local exhaust ventilation to prevent the creation of a health hazard, or be done with respirators selected and used in accordance with (9)(f) of this section. Welding, or the use of open flames near any solvent cleaning equipment shall be permitted only after such equipment has first been thoroughly cleared of solvents and vapors.

(12) Vapor degreasing tanks.

(a) In any vapor degreasing tank equipped with a condenser and vapor level thermostat, the condenser or thermostat shall keep the level of vapors below the top edge of the tank by a distance at least equal to one-half the tank width, or at least 36 inches, whichever is shorter.

(b) Where gas is used as a fuel for heating vapor degreasing tanks, the combustion chamber shall be of tight construction, except for such openings as the exhaust flue, and those that are necessary for supplying air for combustion. Flues shall be of corrosion-resistant construction and shall extend to the outer air. If mechanical exhaust is used on this flue, a draft diverter shall be used. Special precautions must be taken to prevent solvent fumes from entering the combustion air of this or any other heater when chlorinated or fluorinated hydrocarbon solvents (for example, trichloroethylene; Freon) are used.

(c) Heating elements shall be so designed and maintained that their surface temperature will not cause the solvent or mixture to decompose, break down, or be converted into an excessive quantity of vapor.

(d) Tanks or machines of more than 4 square feet of vapor area, used for solvent cleaning or vapor degreasing, shall be equipped with suitable cleanout or sludge doors located near the bottom of each tank or still. These doors shall be so designed and gasketed that there will be no leakage of solvent when they are closed.

(13) Scope.

(a) This paragraph applies to all operations involving the immersion of materials in liquids, or in the vapors of such liquids, for the purpose of cleaning or altering their surfaces, or adding or imparting a finish thereto, or changing the character of the materials, and their subsequent removal from the liquids or vapors, draining, and drying. Such operations include washing, electroplating, anodizing, pickling, quenching, dyeing, dipping, tanning, dressing, bleaching, degreasing, alkaline cleaning, stripping, rinsing, digesting, and other similar operations, but do not include molten materials handling operations, or surface coating operations.

(b) "Molten materials handling operations" means all operations, other than welding, burning, and soldering operations, involving the use, melting, smelting, or pouring of metals, alloys, salts, or other similar substances in the molten state. Such operations also include heat treating baths, descaling baths, die casting stereotyping, galvanizing, tinning, and similar operations.

(c) "Surface coating operations" means all operations involving the application of protective, decorative, adhesive, or strengthening coating or impregnation to one or more surfaces, or into the interstices of any object or material, by means of spraying, spreading, flowing, brushing, roll coating, pouring, cementing, or similar means; and any subsequent draining or drying operations, excluding open-tank operations.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-78-71015 Tanks and chemicals. (1) All open vats and tanks into which workers may fall shall be guarded with standard railings or screen guards in all cases where such guarding is possible with regard to practical operation.

(2) Foundations of elevated tanks shall be accessible for inspections. When the tank platform is more than five feet above the ground a stairway or ladder shall be permanently attached.

(3) Every open tank over five feet in height shall be equipped with fixed standard ladders both inside and out, extending from the bottom to the rim of the tank arranged to be accessible to each other, so far as local conditions permit.

(4) The use of chemicals for treating of lumber for prevention of sap stain or mold or as preservatives, shall conform to the requirements of ((WAC 296-62-11021, open surface tanks)) chapter 296-835 WAC, Dipping and coating operations (dip tanks).

(a) Storage, handling, and use of chemicals. Threshold limits. Employees shall not be exposed to airborne concentration of toxic dusts, vapors, mists or gases that exceed the threshold limit values set forth in chapter ((296-24) 296-62 WAC, Part ((A-2, general safety and health standards)) H,

and chapter 296-62 WAC, Part E, general occupational health standards.

(b) Protective equipment. The use of chemicals shall be controlled so as to protect employees from harmful exposure to toxic materials. Where necessary, employees shall be provided with and required to wear such protective equipment as will afford adequate protection against harmful exposure as required by ((chapter 296-24 WAC, Part A-2, general safety and health standards)) WAC 296-800-160, and chapter 296-62 WAC, Part E, general occupational health standards.

(5)(a) Means shall be provided and used to collect any excess of chemicals used in treating lumber so as to protect workers from accidental contact with harmful concentrations of toxic chemicals or fumes.

(b) Dip tanks containing flammable or combustible liquids shall be constructed, maintained and used in accordance with ((WAC 296-24-405 of the general safety and health standards)) chapter 296-835 WAC, Dipping and coating operations (dip tanks).

(c) An evacuation plan shall be developed and implemented for all employees working in the vicinity of dip tanks using flammable and/or combustible liquids. A copy of the plan shall be available at the establishment for inspection at all times. Every employee shall be made aware of the evacuation plan and know what to do in the event of an emergency and be evacuated in accordance with the plan. The plan shall be reviewed with employees at least quarterly and documented.

(d) When automatic foam, automatic carbon dioxide or automatic dry chemical extinguishing systems are used, an alarm device shall be activated to alert employees in the dip tank area before and during the activation of the system. The following combinations of extinguishment systems when used in conjunction with the evacuation plan as stated above will be acceptable in lieu of bottom drains:

(i) A dip tank cover with an automatic foam extinguishing system under the cover, or an automatic carbon dioxide system, or an automatic dry chemical extinguishing system, or an automatic water spray extinguishing system;

(ii) An automatic dry chemical extinguishing system with an automatic carbon dioxide system or a second automatic dry chemical extinguishing system or an automatic foam extinguishing system;

(iii) An automatic carbon dioxide system with a second automatic carbon dioxide system or an automatic foam extinguishing system.

(e) The automatic water spray extinguishing systems, automatic foam extinguishing systems, and dip tank covers shall conform with the requirements of ((WAC 296-24-405)) chapter 296-835 WAC, Dipping and coating operations (dip tanks). The automatic carbon dioxide systems and dry chemical extinguishing system shall conform with the requirements of WAC 296-24-615 and 296-24-620.

(6) Where workers are engaged in the treating of lumber with chemicals or are required to handle lumber or other materials so treated, the workers shall be provided with, at no cost to the worker, and required to use such protective equipment as will provide complete protection against contact with toxic chemicals or fumes therefrom.

(7) Sanitation requirements. The requirements of WAC 296-800-220 and 296-800-230 (safety and health core rules), shall govern sanitation practices.

(8) The sides of steam vats and soaking pits unless otherwise guarded shall extend forty-two inches above the floor level. The floor adjacent thereto shall be of nonslip construction.

(9) Large steam vats or soaking pits, divided into sections, shall be provided with substantial walkways between each section, each walkway to be provided with standard railings which may be removable if necessary.

(10) Covers shall be removed only from that portion of the steaming vats on which workers are working and a portable railing shall be placed at this point to protect the operators.

(11) Workers shall not ride or step on logs in steam vats.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 24, 2002

J. P. Koenings

Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-24-405 Dip tanks containing flammable or combustible liquids.
- WAC 296-24-40501 Definitions.
- WAC 296-24-40503 Ventilation.
- WAC 296-24-40505 Construction of dip tanks.
- WAC 296-24-40507 Liquids used in dip tanks, storage and handling.
- WAC 296-24-40509 Electrical and other sources of ignition.
- WAC 296-24-40511 Operations and maintenance.
- WAC 296-24-40513 Extinguishment.
- WAC 296-24-40515 Special dip tank applications.

AMENDATORY SECTION (Amending Order 01-106, filed 6/15/01, effective 7/16/01)

WAC 220-47-311 Purse seine—Open periods. It is unlawful to take, fish for or possess salmon taken with purse seine gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided for hereinafter in each respective Management and Catch Reporting Area:

(AREA	TIME	DATE
7A:	6AM—5PM	10/30
	6AM—5PM	11/5, 11/6, 11/7, 11/8
	7AM—5PM	11/12, 11/13, 11/14, 11/15
Note: It is unlawful to retain coho salmon taken with purse seine gear in Areas 7 and 7A.		
7B:	6AM 9/10	- 8PM 9/12
	6AM 9/17	- 8PM 9/19
	6AM 9/23	- 8PM 10/27
	6AM 10/29	- 4PM 11/2
	6AM 11/5	- 4PM 11/9
	6AM 11/12	- 4PM 11/16
	6AM 11/19	- 4PM 11/23
	6AM 11/26	- 4PM 11/30
	6AM 12/3	- 4PM 12/7
8:	5AM—9PM	8/27, 8/28
	6AM—5PM	11/5
8A:	5AM—9PM	8/21
Note: It is unlawful to fish for pink salmon on August 21, 2001, south of a line from the Mukilteo ferry dock to the Clinton ferry dock on Whidbey Island.		
	5AM—9PM	8/27
	7AM—7PM	10/8
	7AM—7PM	10/17
	7AM—6PM	10/22, 10/23
	6AM—5PM	10/31, 11/1
	6AM—5PM	11/5, 11/6

**WSR 02-16-004
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-167—Filed July 25, 2002, 8:25 a.m.]

Date of Adoption: July 23, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-47-311, 220-47-401, 220-47-411, 220-47-428, and 220-47-430.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 02-11-073 on May 13, 2002.

Changes Other than Editing from Proposed to Adopted Version: Proposed amendments to WAC 220-20-016 continued to August 2-3, 2002; proposed amendments to WAC 220-47-301 withdrawn.

PERMANENT

<u>((AREA</u>	<u>TIME</u>	<u>DATE</u>
	7AM - 5PM	11/14, 11/15
	7AM - 5PM	11/19, 11/20
	7AM - 5PM	11/26, 11/27, 11/28
8D:	7AM - 7PM	9/25, 9/26, 9/27
	7AM - 7PM	10/2, 10/3, 10/4
	7AM - 7PM	10/8, 10/9, 10/10, 10/11
	7AM - 7PM	10/17
	7AM - 6PM	10/22, 10/23
	6AM - 5PM	10/31, 11/1
	6AM - 5PM	11/5, 11/6
	7AM - 5PM	11/14, 11/15
	7AM - 5PM	11/19, 11/20
	7AM - 5PM	11/26, 11/27, 11/28
10, 11:	7AM - 7PM	10/16
	7AM - 6PM	10/22
	6AM - 5PM	10/30, 10/31
	6AM - 5PM	11/5
	7AM - 5PM	11/13
12:	7AM - 7PM	10/16
12, 12B:	7AM - 6PM	10/22
	6AM - 5PM	10/30
	6AM - 5PM	11/5, 11/6
	7AM - 5PM	11/13
12C:	7AM - 5PM	11/13))
<u>AREA</u>	<u>TIME</u>	<u>DATE</u>
7, 7A:	7AM - 7PM	10/14
	7AM - 6PM	10/22
	6AM - 5PM	10/28
7B:	6AM 9/10	= 8PM 9/12
	6AM 9/17	= 8PM 9/19
	7AM 9/22	= 8PM 10/26
	7AM 10/28	= 4PM 11/1
	7AM 11/4	= 4PM 11/8
	7AM 11/12	= 4PM 11/15
	7AM 11/18	= 4PM 11/22
	7AM 11/25	= 4PM 11/29
	8AM 12/2	= 4PM 12/6
8:	6AM - 5PM	10/31, 11/1
	7AM - 5PM	11/6, 11/7, 11/8, 11/13, 11/14, 11/15
8A:	7AM - 6PM	10/21, 10/22
	6AM - 5PM	10/30, 10/31
	7AM - 5PM	11/4, 11/5
	7AM - 5PM	11/13, 11/14
	7AM - 5PM	11/18, 11/19
	7AM - 5PM	11/25, 11/26, 11/27
8D:	6AM - 5PM	10/30, 10/31
	7AM - 5PM	11/4, 11/5
	7AM - 5PM	11/12, 11/13, 11/14, 11/15
	7AM - 5PM	11/18, 11/19, 11/20, 11/21, 11/22
	7AM - 5PM	11/25, 11/26, 11/27, 11/29
10, 11:	7AM - 7PM	10/15
	7AM - 6PM	10/21
	6AM - 5PM	10/28, 10/29

<u>AREA</u>	<u>TIME</u>	<u>DATE</u>
	7AM - 5PM	11/4
	7AM - 5PM	11/13
12, 12B:	7AM - 6PM	10/21
	6AM - 5PM	10/29
	7AM - 5PM	11/4
	7AM - 5PM	11/13, 11/14
	7AM - 5PM	11/18, 11/19
12C:	7AM - 5PM	11/13, 11/18

It is unlawful to retain chinook salmon taken with purse seine gear in Areas 7, 7A, 8, 8A, 8D, 10, 11, 12, 12B and 12C. It is unlawful to retain chum salmon taken with purse seine gear in Areas 7 and 7A prior to October 1. All other saltwater and freshwater areas - closed.

AMENDATORY SECTION (Amending Order 01-106, filed 6/15/01, effective 7/16/01)

WAC 220-47-401 Reef net open periods. It is unlawful to take, fish for or possess salmon taken with reef net gear for commercial purposes in Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas, during the periods provided for hereinafter in each respective area:

<u>AREA</u>	<u>TIME</u>	<u>DATE(S)</u>
7, 7A	7AM - 7PM Daily	((9/23-11/4)) 9/22 - 11/16

It is unlawful to retain chinook ((~~or wild coho~~)) salmon taken with reef net gear. It is unlawful to retain chum salmon taken with reef net gear prior to October 1 or wild coho prior to October 6. All other saltwater and freshwater areas - closed.

AMENDATORY SECTION (Amending Order 01-106, filed 6/15/01, effective 7/16/01)

WAC 220-47-428 Beach seine—Open periods. It is unlawful to take, fish for, or possess salmon taken with beach seine gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided hereinafter in each respective Management and Catch Reporting Area:

((~~Beach seine closed in 2001.~~))

<u>AREA</u>	<u>TIME</u>	<u>DATE(S)</u>
12A	7AM - 7PM Daily	8/26, 8/27, 8/28, 8/29, 8/30, 9/2, 9/3, 9/4, 9/5, 9/6, 9/9, 9/10, 9/11, 9/12, 9/13, 9/16, 9/17, 9/18, 9/19, 9/20, 9/23, 9/24, 9/25, 9/26, 9/27, 9/30, 10/1, 10/2, 10/3, 10/4

It is unlawful to retain chinook or chum taken with beach seine gear.

PERMANENT

AMENDATORY SECTION (Amending Order 99-202, filed 11/19/99, effective 12/20/99)

WAC 220-47-430 Puget Sound commercial salmon—Log book required. It is unlawful for any licensed commercial salmon fisher fishing for salmon in Puget Sound SMCRA 7 and 7A during the Fraser ~~((sockeye and pink salmon season set out in WAC 220-47-304))~~ Panel-controlled sockeye and pink salmon seasons promulgated by the National Marine Fisheries Service, or SMCRA 9A during the coho fishery set out in WAC 220-47-411, to fail to possess and maintain a department-approved Puget Sound Commercial Salmon Log Book as provided for in this section:

(1) The log book must be kept aboard the vessel while it is fishing in SMCRA 7 ~~((and)),~~ 7A and 9A, or while in possession of fish caught in these areas. The fisher must submit the completed log book for inspection immediately upon request by authorized department representatives.

(2) In each purse seine log book the fisher shall record the vessel name and license number. For each day fished, the fisher shall record the date. Immediately following each retrieval of the net the fisher shall record the Puget Sound Commercial Salmon Log Book Location Code, the time of the retrieval, and the number of chinook, coho and chum salmon in the net upon retrieval.

(3) In each gill net log book the fisher shall record the vessel name and license number. For each day fished, the fisher shall record the date. Immediately following each retrieval of the net the vessel operator shall record the Puget Sound Commercial Salmon Log Book Location Code where the net is retrieved, the start and end time of the set ~~((and))~~ when fishing in SMCRA 7 and 7A the number of chinook, coho and chum salmon in the net upon retrieval must be recorded for each retrieval of the net. When fishing in SMCRA 9A the number of chinook and chum in the net upon retrieval must be recorded for each retrieval of the net.

(4) The following are the Puget Sound Commercial Salmon Log Book Location Codes that are required entries in purse seine log books and gill net log books as provided for in this section:

(a) Location Code 1: Those waters of Puget Sound Commercial Salmon Management and Catch Reporting Area 7A northerly of a line projected from Birch Point to Savage Point on Tumbo Island.

(b) Location Code 2: Those waters of Puget Sound Commercial Salmon Management and Catch Reporting Area 7A southerly of a line projected from Birch Point to Savage Point on Tumbo Island.

(c) Location Code 3: Those waters of Puget Sound Commercial Salmon Management and Catch Reporting Area 7 easterly of a line projected true north from Orcas Island

through the easternmost point on Matia Island to the intersection with the 7/7A boundary line and easterly of a line projected from Point Colville on Lopez Island to Smith Island.

(d) Location Code 4: Those waters of Puget Sound Commercial Salmon Management and Catch Reporting Area 7 westerly and northerly of a line projected from Point Colville on Lopez Island to Smith Island and thence to the Y B "VD" buoy on Beaumont Shoal (as listed on NOAA Chart 18421, ~~((f))~~38th ed., Oct. 31/92~~((f))~~) and southerly of a line projected from Cadboro Point on Vancouver Island 60 degrees true to the point of land on San Juan Island.

(e) Location Code 5: Those waters of Puget Sound Commercial Salmon Management and Catch Reporting Area 7 southerly of a line projected from Smith Island to the Y B "VD" buoy on Beaumont Shoal (as listed on NOAA Chart 18421, ~~((f))~~38th ed., Oct. 31/92~~((f))~~).

(f) Location Code 6: Those waters of Puget Sound Commercial Salmon Management and Catch Reporting Area 7 northerly of a line projected from Cadboro Point on Vancouver Island 60 degrees true to the point of land on San Juan Island and westerly of a line projected true north from Orcas Island through the easternmost point on Matia Island to the intersection with the 7/7A boundary line.

(5) Location Code 7: Those waters of Puget Sound Commercial Salmon Management and Catch Reporting Area 9A southerly of a line projected true west from the shoreward end of the Port Gamble tribal dock on Point Julia to the mainland in the community of Port Gamble and those on-reservation waters of Hood Canal north of Port Gamble Bay to the marker at the north end of the Port Gamble Indian reservation.

(6) In each reef net log book the fisher shall record the fisher's name and license number and the location of the fishing site. For each day fished the fisher shall record the date and the total number of chinook, coho and chum salmon caught.

~~((6))~~ (7) All log books used in SMCRA 7 and 7A must be sent to the department no later than October 10 of each year. All log books used in SMCRA 9A must be sent to the department no later than November 22 of each year.

AMENDATORY SECTION (Amending Order 01-106, filed 6/15/01, effective 7/16/01)

WAC 220-47-411 Gill net—Open periods. It is unlawful to take, fish for or possess salmon taken with gill net gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the seasons provided for hereinafter in each respective fishing area:

(AREA	TIME	-	DATE(S)	MINIMUM MESH-
6D:	7AM	- 7PM	9/21, 9/24, 9/25, 9/26, 9/27, 9/28, 10/1, 10/2, 10/3, 10/4, 10/5, 10/8, 10/9, 10/10, 10/11, 10/12, 10/15, 10/16, 10/17, 10/18, 10/19, 10/22, 10/23, 10/24, 10/25, 10/26	5"

Note: In Area 6D it is unlawful to use other than 5-inch minimum and 5 1/2-inch maximum mesh in the skiff gill net fishery. It is unlawful to retain chinook or pink salmon taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 16. In Area 6D, any chinook or pink salmon captured at any time, or any chum salmon captured prior to October 16, must be removed from the net by cutting the meshes ensnaring fish.

PERMANENT

(AREA	TIME	-	DATE(S)	MINIMUM MESH
7, 7A:	7AM	-	8PM 10/29, 11/5, 11/6, 11/7, 11/8, 11/12, 11/13, 11/14, 11/15	6-1/4"
7B:	7PM	-	9AM NIGHTLY 8/22, 8/27, 8/28, 9/3, 9/4	7"
	6AM 9/10	-	8PM 9/12	5"
	6AM 9/17	-	8PM 9/19	
	6AM 9/23	-	8PM 10/27	
	6AM 10/29	-	4PM 11/2	6-1/4"
	6AM 11/5	-	4PM 11/9	
	6AM 11/12	-	4PM 11/16	
	6AM 11/19	-	4PM 11/23	
	6AM 11/26	-	4PM 11/30	
	6AM 12/3	-	4PM 12/7	
7C:	7PM	-	9AM NIGHTLY 8/22, 8/27, 8/28, 9/3, 9/4	7"
8:	6AM	-	11PM 8/29, 8/30	5"

Note: In Area 8 openings on August 28 and 29, it is unlawful to use other than 5-inch minimum and 5 1/2-inch maximum mesh, no greater than 60 meshes in depth.

8A:	7AM	-	8PM 11/6	6-1/4"
	6AM	-	11PM 8/20, 8/28	5"

Note: In Area 8A, on August 20, 2001, it is unlawful to fish for pink salmon south of a line drawn from the Mukilteo ferry dock to the Clinton ferry dock on Whidbey Island.

	7AM	-	8PM 10/9, 10/16	5"
	7AM	-	8PM 10/24, 10/25	6-1/4"
	7AM	-	8PM 10/29, 10/30	
	7AM	-	8PM 11/7, 11/8	
	7AM	-	8PM 11/12, 11/13	
	7AM	-	8PM 11/19, 11/20	
	7AM	-	8PM 11/26, 11/27, 11/28	
8D:	6PM	-	8AM 9/25, 9/26, 9/27	5"
	6PM	-	8AM 10/1, 10/2, 10/3	
	6PM	-	8AM 10/8, 10/9, 10/10, 10/11	
	7AM	-	8PM 10/16	
	7AM	-	8PM 10/24, 10/25	
	7AM	-	8PM 10/29, 10/30	
	7AM	-	8PM 11/7, 11/8	
	7AM	-	8PM 11/12, 11/13	6-1/4"
	7AM	-	8PM 11/19, 11/20	
	7AM	-	8PM 11/26, 11/27, 11/28	

9A:	6AM 9/16 through 8PM 10/27			5"
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Note: It is unlawful to retain chum salmon taken in Area 9A prior to October 1. Any chum salmon netted prior to October 1 must be released from the net by cutting the meshes ensnaring the fish.

10, 11:	6PM	-	8AM 10/15	6-1/4"
	5PM	-	8AM 10/22	
	4PM	-	8AM 10/29, 10/30	
	4PM	-	8AM 11/5	
	4PM	-	8AM 11/12	

Note: During the Area 10, 11 openings it is unlawful for fishers to fish with gill net gear unless the fisher has registered in writing on a department approved form by October 8, 2001, and the fisher agrees to allow a department observer to be on board during each fishing trip to monitor the catch.

12:	7AM	-	8PM 10/15	6-1/4"
12, 12B:	7AM	-	8PM 10/23	6-1/4"
	7AM	-	8PM 10/29	
	7AM	-	8PM 11/7, 11/8	
	7AM	-	8PM 11/12	
12C:	7AM	-	8PM 11/12	6-1/4"

All other saltwater and freshwater areas—closed.

Nightly openings refer to the start date.

Within an area or areas, a mesh size restriction remains in effect from the first date indicated until a mesh size change is shown, and the new mesh size restriction remains in effect until changed.)

PERMANENT

AREA	TIME	:	DATE(S)	MINIMUM MESH
6D:	7AM	:	7PM 9/23, 9/24, 9/25, 9/26, 9/27, 9/30, 10/1, 10/2, 10/3, 10/4, 10/7, 10/8, 10/9, 10/10, 10/11, 10/14, 10/15, 10/16, 10/17, 10/18, 10/21, 10/22, 10/23, 10/24, 10/25	5"

Note: In Area 6D it is unlawful to use other than 5-inch minimum and 5 1/2-inch maximum mesh in the skiff gill net fishery. It is unlawful to retain chinook or pink salmon taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 16. In Area 6D, any chinook, chum or pink salmon required to be released, must be removed from the net by cutting the meshes ensnaring the fish.

7, 7A:	7AM	:	8PM	10/21	6 1/4"
	7AM	:	7PM	10/29	6 1/4"
7B/7C:	7PM	:	8AM	NIGHTLY 8/22, 8/28, 8/29, 9/4, 9/5	7"
7B:	6AM 9/10	:	8PM 9/12		5"
	6AM 9/17	:	8PM 9/19		
	7AM 9/22	:	8PM 10/26		
	7AM 10/28	:	4PM 11/1		6 1/4"
	7AM 11/4	:	4PM 11/8		
	7AM 11/12	:	4PM 11/15		
	7AM 11/18	:	4PM 11/22		
	7AM 11/25	:	4PM 11/29		
	8AM 12/2	:	4PM 12/6		
8:	7AM	:	7PM	10/31, 11/1, 11/6, 11/7, 11/8, 11/13, 11/14, 11/15	6 1/4"
8A:	7AM	:	8PM	10/23, 10/24	6 1/4"
	7AM	:	7PM	10/28, 10/29	
	7AM	:	7PM	11/6, 11/7, 11/12, 11/13	
	7AM	:	6PM	11/20, 11/21, 11/25, 11/26, 11/27	
8D:	7AM	:	7PM	10/28, 10/29, 11/6, 11/7	5"
	7AM	:	7PM	11/12, 11/13, 11/14, 11/15	6 1/4"
	7AM	:	6PM	11/18, 11/19, 11/20, 11/21, 11/22, 11/25, 11/26, 11/27, 11/29	
9A:	6AM 9/1	:	4PM 11/2		5"

Note: It is unlawful to retain chum salmon taken in Area 9A prior to October 1. Any chum salmon netted prior to October 1 must be released from the net by cutting the meshes ensnaring the fish. Logbooks required in accordance with WAC 220-47-430.

10, 11:	5PM	:	8AM	10/22	6 1/4"
	4PM	:	8AM	10/27, 10/28, 11/5, 11/12	
12, 12B:	7AM	:	8PM	10/22	6 1/4"
	7AM	:	7PM	10/28, 11/5, 11/12, 11/13	
	7AM	:	6PM	11/19, 11/20	
12C:	7AM	:	7PM	11/12	6 1/4"
	7AM	:	6PM	11/19	

All other saltwater and freshwater areas - closed.

Nightly openings refer to the start date.

Within an area or areas, a mesh size restriction remains in effect from the first date indicated until a mesh size change is shown, and the new mesh size restriction remains in effect until changed.

WSR 02-16-014

**PERMANENT RULES
DEPARTMENT OF**

SOCIAL AND HEALTH SERVICES

(Health and Rehabilitative Services Administration)

[Filed July 25, 2002, 4:29 p.m.]

Date of Adoption: July 24, 2002.

Purpose: The Division of Developmental Disabilities is adopting these amendments only to make corrections to obsolete or incorrect WAC and RCW cross-references without changing the effect of the rules; therefore a preproposal

statement of inquiry was not filed per RCW 34.05.310(4). Rules affected by these amendments are contained in chapter 388-825 WAC, Division of developmental disabilities service rules; chapter 388-830 WAC, Division of developmental disabilities reimbursement system; chapter 388-835 WAC, ICF/MR program and reimbursement system; chapter 388-850 WAC, County plan for development disabilities; and chapter 388-853 WAC, Cost of care of mentally deficient persons residing in state institutions.

Citation of Existing Rules Affected by this Order: Amending WAC 388-825-020 Definitions, 388-825-025

PERMANENT

Exemptions, 388-825-030 Eligibility for services, 388-825-035 Determination of eligibility, 388-825-045 Determination for necessary services, 388-825-050 Individual service plan, 388-825-055 Authorization of services, 388-825-100 Notification, 388-825-120 Adjudicative proceeding, 388-825-205 Who is eligible to participate in the family support opportunity program?, 388-825-210 What basic services can my family receive from the family support opportunity program?, 388-825-234 How can my family qualify for serious need funds?, 388-825-248 Who is covered under these rules?, 388-825-250 Continuity of family support services, 388-825-252 Family support services, 388-825-270 Are there exceptions to the licensing requirement?, 388-825-278 Are there any educational requirements for individual providers?, 388-830-015 Determination of eligibility, 388-830-020 Notification to potential applicants, 388-830-025 Application for services, 388-830-035 Implementation of necessary services, 388-835-0110 Is DSHS required to give written notice when it intends to transfer an individual?, 388-835-0180 What if an ICF/MR contract is terminated?, 388-835-0265 Can providers file amendments if a DSHS field audit has been scheduled?, 388-835-0395 How must a facility maintain resident property records?, 388-835-0575 What requirements apply to calculating ICF/MR reimbursement rates?, 388-835-0745 What recourse does a provider have if DSHS rejects their proposed preliminary settlement?, 388-835-0755 Can a provider disagree with a final settlement report?, chapter 388-850 WAC (chapter caption, corrected) County plan for mental health, developmental disabilities, WAC 388-850-015 Exemptions, 388-850-025 Program operation—General provisions, 388-850-050 Client rights—Notification of client, 388-853-010 Authority, 388-853-030 Schedule of per capital cost, 388-853-035 Exempt income, and 388-853-080 Notice and finding of responsibility—Appeal procedure.

Statutory Authority for Adoption: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125.

Adopted under notice filed as WSR 02-11-143 on May 22, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 35, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 35, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 24, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 02-17 issue of the Register.

WSR 02-16-016

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed July 26, 2002, 10:05 a.m.]

Date of Adoption: July 25, 2002.

Purpose: WAC 458-20-260 Oil spill response and administration tax, provides guidance to taxpayers necessary to meet the requirements set forth in chapter 82.23B RCW, Oil spill response tax. The rule explains the imposition of the tax, when a taxable event occurs, and how to take exemptions and credits applied against the tax.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-260 Oil spill response and administration tax.

Statutory Authority for Adoption: RCW 82.23B.050 and 82.32.300.

Adopted under notice filed as WSR 02-06-032 on February 26, 2002.

Changes Other than Editing from Proposed to Adopted Version: 1. Subsection (3)(a) allows an accounting election with respect to receipts of product that occur on the last day of the month at midnight. The proposed rule required that taxpayers obtain permission from the department before changing their election. The requirement for obtaining prior permission is removed in the rule being adopted.

2. Subsection (7) of the proposed rule explained that any receipt of crude oil or petroleum products from a waterborne vessel or barge is presumed to be subject to tax. Subsection (7)(a) of the proposed rule explained that this presumption may be overcome if the invoice from the seller states that all or a specified portion of the product was previously taxed. Subsection (7)(a) has been revised in the rule being adopted to allow that proof of previous payment of tax may also be made by written certification. A sample certificate identifying the information that must be included in the written certification has been added to subsection (7)(a).

3. This same written certification alternative was added to subsection (9) of the proposed rule (previously subsection (8)) as a method for documenting the amount of tax previously paid for purpose of computing the credit available if product is exported. Changes are made to examples as necessary to include reference to the written certification.

4. Former subsection (9), credit for use of petroleum products, was stricken in the proposed rule. The subsection has been restored in the rule being adopted.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

PERMANENT

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 25, 2002

Alan R. Lynn

Rules Coordinator

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 92-24-049, filed 11/30/92, effective 12/31/92)

WAC 458-20-260 Oil spill response and administration tax. (1) **Introduction.** This ~~((section))~~ rule explains ~~((and implements))~~ the provisions of chapter 82.23B RCW which imposes an oil spill response tax and an oil spill administration tax ~~((, effective October 1, 1991, and as amended by chapter 73, Laws of 1992, effective October 1, 1992)).~~ The taxes are imposed upon the privilege of receiving crude oil or petroleum products at a marine terminal in this state from a waterborne vessel or barge operating ~~((through or upon))~~ on the navigable waters of this state. ~~((This section provides applicable definitions, the rate and measure of the tax, the tax payment and reporting procedure, and describes an exemption and a credit against tax.))~~

(2) **Definitions.** For purposes of this ~~((section))~~ rule, the following terms will apply.

(a) "Tax" means the oil spill response and oil spill administration taxes imposed by chapter 82.23B RCW.

(b) "Barrel" means a unit of measurement of volume equal to forty-two United States gallons of crude oil or petroleum product.

(c) "Crude oil" means any naturally occurring liquid hydrocarbon at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline.

(d) "Department" means the department of revenue.

(e) "Marine terminal" means a facility of any kind, other than a waterborne vessel, that is used for transferring crude oil or petroleum products to or from a waterborne vessel or barge.

(f) "Navigable waters" means those waters of the state and their adjoining shorelines, that are subject to the ebb and flow of the tide, including the Columbia and Snake rivers.

(g) "Person" has the meaning provided in RCW 82.04.-030.

(h) "Petroleum product" means any liquid hydrocarbons at atmospheric temperature and pressure that are the product of the fractionation, distillation, or other refining or processing of crude oil, and that are used as, useable as, or may be refined as fuel or fuel blendstock, including but not limited to, gasoline, diesel fuel, aviation fuel, bunker fuel, and fuels containing a blend of alcohol and petroleum.

(i) "Taxpayer" means the person owning crude oil or petroleum products immediately after receipt of the same into the storage tanks of a marine terminal in this state from a waterborne vessel or barge and who is liable for the tax.

(j) "Waterborne vessel or barge" means any ship, barge, or other watercraft capable of travelling on the navigable waters of this state and capable of transporting any crude oil or petroleum product in quantities of ten thousand gallons or more for purposes other than providing fuel for its motor or engine.

(k) "Previously taxed product" means any crude oil or petroleum product which has been received in this state in a manner subject to the tax and upon which the tax has been paid.

~~((4) "Offloading" means the physical act of moving crude oil or petroleum product from a waterborne vessel or barge to a marine terminal.))~~

(3) ~~((Tax rate and measure.))~~ **Imposition, base, and reporting of tax.** The tax is imposed on the privilege of receiving crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating ~~((through or across))~~ on the navigable waters of this state. The tax is levied upon the owner of the crude oil or petroleum products immediately after receipt of the same into the storage tanks of a marine terminal from a waterborne vessel or barge.

(a) ~~((The oil spill response tax is imposed at the rate of two cents per barrel of crude oil or petroleum product received.))~~ The tax is due for payment together with the timely filing of the return upon which it is reported, on or before the twenty-fifth day of the month following the month in which the taxable receipt occurs. In case any receipt commences on the last day of any month and extends past midnight, the receipt at the election of the marine terminal may be deemed to have occurred during the following month or may be deemed to have been completed at midnight and commenced at the instant after midnight.

(b) ~~((The oil spill administration tax is imposed at the rate of three cents per barrel of crude oil or petroleum product received.))~~

(e)) The number of barrels received ~~((shall))~~ must be computed as the net barrels received by the marine terminal operator. Net barrels ~~((shall))~~ must be computed by using an industry standard adjustment to gross barrels ~~((offloaded))~~ received to account for variations in temperature and content of water or other nonpetroleum substances.

(4) **Tax collection by the marine terminal operator.** Unless the taxpayer has been issued a direct payment certificate as provided in subsection (5) of this ~~((section))~~ rule, the operator of any marine terminal located in this state where crude oil or petroleum products are received and placed into storage tanks is responsible for the collection of the tax from the taxpayer.

(a) Failure to collect the tax from the taxpayer and remit it to the department will cause the marine terminal operator to become personally liable for the tax, unless the marine terminal operator has billed the taxpayer for the tax or notified the taxpayer in writing of the imposition of the tax.

(i) The tax has been billed to a taxpayer when an invoice, statement of account, or notice of imposition of the tax is mailed or delivered to the taxpayer by the terminal operator within the operator's normal billing cycle and separately states the dates of receipt, rate of tax, number of barrels received and placed into storage tanks, and the amount of the tax required to be collected.

(ii) A taxpayer has been notified of the imposition of the tax when, within twenty days from the date of receipt, a notice is mailed or delivered to the taxpayer, or to an agent of the taxpayer authorized to accept notices of this type other than the marine terminal operator(~~(-which)~~). This notice must separately state(~~(s)~~) the dates of receipt, rate of tax, number of barrels received into storage tanks, and the amount of the tax required to be collected.

(iii) Marine terminal operators (~~(shall)~~) must maintain a record of the names and addresses of taxpayers billed for the tax, or in cases where taxpayers are sent written notification of the imposition of the tax, the names and addresses of the persons to whom notice is sent. Such records (~~(shall)~~) must indicate those persons billed or notified from whom the tax has been collected. Upon request, the records shall be made available for inspection by the department.

(b) The tax collected (~~(shall)~~) must be held in trust by the terminal operator until paid to the department. (~~(e)~~) The tax (~~(collected shall be)~~) is due from the marine terminal operator, along with reports and returns on forms prescribed by the department, within twenty-five days after the end of the month in which the tax is collected.

(~~(d)~~) (c) A terminal operator who relies in good faith upon a direct payment certificate (see subsection (5) of this rule) issued to a taxpayer (~~(shall be)~~) is relieved from any liability for the collection of the tax from the taxpayer. A marine terminal operator (~~(shall)~~) is likewise (~~(be)~~) relieved from liability for collection of the tax from a taxpayer if the marine terminal operator relies in good faith upon a current roster of certificate holders published by the department which bears the name of a taxpayer.

(5) **Direct payment to the department.** Any taxpayer may apply to the department in writing for permission to pay the tax directly to the department. Upon approval of the department; any taxpayer making application for direct payment (~~(shall)~~) will be issued a direct payment certificate entitling the taxpayer to pay the tax directly to the department.

(a) In order to qualify for direct payment, the taxpayer must meet the following requirements:

(i) The taxpayer must be registered with the department.

(ii) The taxpayer must file a bond with the department in an amount equal to two months estimated liability for the tax, but in no event less than ten thousand dollars. The bond (~~(shall)~~) must be executed by the taxpayer as principal, and by a corporation approved by the department and authorized to engage in business as a surety company in this state, as surety. Two months estimated tax liability shall be the total number of barrels received and placed into the storage tanks of a marine terminal in this state by the taxpayer during the two months in the immediately preceding twelve-month period with the highest number of barrels received multiplied by the total tax rate. If the department determines that the

result of the foregoing calculation does not represent a fair estimate of the actual tax liability which the taxpayer is expected to incur, it may set the bond requirement at such higher amount as the department determines in its judgment will secure the payment of the tax. The bond requirement may be waived upon proof satisfactory to the department that the taxpayer has sufficient assets located in this state to insure payment of the tax.

(iii) The taxpayer must be current in all of its tax obligations to the state having filed all returns as required by Title 82 RCW.

(b) The department may, from time to time, review the amount of any bond filed by a taxpayer possessing a direct payment certificate and may, upon twenty days written notice to the taxpayer, require such higher bond as the department determines to be necessary to secure the payment of the tax. The filing of a substitute bond in such higher amount (~~(shall be)~~) is a condition to the continuation of the right to make direct payment under this section.

(c) A direct payment certificate issued under this section may be revoked by the department if the taxpayer fails to maintain a current registration, fails to file a substitute bond within twenty days from a written request, or becomes delinquent in the payment of the tax.

(d) The department (~~(shall)~~) maintains a current roster of all taxpayers who have a direct payment certificate. Copies of the roster (~~(shall be)~~) are made available on a monthly basis to any interested person requesting to be placed on the roster subscription list. Requests to be placed on the subscription list should be mailed to the (~~(Miscellaneous Tax Division,)~~) Department of Revenue, Taxpayer Services, attn: Public Records, P.O. Box (~~(47470)~~) 47478, Olympia, WA 98504-~~(7470)~~ 7478.

(e) Applications for a direct payment certificate shall be in writing and shall include the name and address of the applicant, the applicant's registration number if currently registered, and the name and phone number of a contact person. The application shall also contain a statement that if the application is approved, the taxpayer consents to the public disclosure that the taxpayer has been granted a direct payment certificate, or if the certificate is later revoked, the taxpayer consents to the public disclosure of the fact of revocation. Applications should be mailed to the (~~(Miscellaneous Tax Division,)~~) Department of Revenue, Taxpayer Account Administration, P.O. Box (~~(47470)~~) 47476, Olympia, WA 98504-~~(7470)~~ 7476.

(6) **Exemption - previously taxed crude oil or petroleum products.** The tax applies only to the first receipt of crude oil or petroleum products (~~(into the storage tanks of)~~) at a marine terminal in this state. RCW 82.23B.030 provides an exemption (~~(is available)~~) for the subsequent receipt (~~(into storage tanks)~~) at a marine terminal in this state of previously taxed crude oil or petroleum products. This exemption applies even though the previously taxed (~~(product is)~~) crude oil or petroleum products are refined or processed prior to subsequent transportation and receipt (~~(into storage tanks)~~).

(~~(a) Crude oil or petroleum products received and placed into storage tanks for the first time at a marine terminal in this state which have been commingled with previously~~

taxed product present a special problem in determining the amount of tax properly due. In such cases the amount of tax due is equal to the difference between the total number of barrels received and placed into storage tanks and the number of barrels of previously taxed product multiplied by the total tax rates. Due to the difficulty of determining the amount of tax due under such circumstances the following rebuttable presumptions shall apply:

(i) All crude oil or petroleum products loaded on a vessel and shipped from a point within this state will be presumed, subject to rebuttal, to be previously taxed product. The subsequent receipt at a point within this state of such product will be treated as exempt from the tax.

(ii) All crude oil or petroleum products loaded on a vessel and shipped from a point outside this state will be presumed to be crude oil or petroleum products received for the first time in this state. The subsequent receipt at a point within this state of such crude oil or petroleum products will be treated as subject to the tax.

(b) The presumptions in this subsection may be rebutted upon proof of the number of barrels of previously taxed product received into storage tanks in this state.

(c) Example. The presumptions in this subsection (6) can be illustrated by the following example:

A previously taxed petroleum product is loaded on an ocean-going barge at a marine terminal located on Puget

Sound in Washington. The barge is towed to Portland, Oregon where the petroleum product is offloaded and commingled with a similar product which has not been subjected to the tax. Later, commingled product is loaded onto a barge which is towed up the Columbia River to a marine terminal located in Pasco, Washington and, where it is offloaded and placed into storage tanks. The petroleum products loaded onto the barge in Portland would be presumed, subject to rebuttal, to be subject to the tax when received in Pasco.)

(7) **Presumption.** Any receipt of crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating on the navigable waters of this state is presumed to be subject to the tax.

(a) A person may rebut this presumption by documenting that the crude oil or petroleum products received were previously subject to the tax. The proof may be in the form of information on the invoice or a written certification from the seller at the time of shipment or exchange. The written certification must be in substantially the form below stating that all or a specific, stated portion of the crude oil or petroleum products were previously subject to the tax or, in the alternative, stating the amount of tax remitted or to be remitted to the state respective to the crude oil or petroleum products being sold.

Certification of Previous Payment of the Oil Spill Tax

I hereby certify that all or a portion of the crude oil or petroleum products specified herein were previously subject to the oil spill tax and that such tax was paid by the undersigned.

Identify product:

Amount of product in this shipment:

Percentage of product on which the tax has been paid:

OR

Amount of tax remitted or to be remitted to the state on product:

Name of recipient:

Authorized Signature of Seller

Date

Firm Name

UBI Number

(b) Example. Crude oil is received at a marine terminal in this state and the tax is remitted. The crude oil is then commingled with crude oil from a source not involving a receipt at a marine terminal such as a receipt from a pipeline or a tank car. The commingled crude oil is refined into two petroleum products such as jet kerosene and unleaded gasoline. The petroleum products are then placed on separate waterborne vessels or barges and are shipped to a second marine terminal in this state. The receipt of petroleum products at the second marine terminal is presumed to be subject to the tax. The pre-

sumption may be rebutted by proof of what portion of each product of the shipment was previously subject to tax. Proof may be made by means of information on the invoice or a written certification that substantially conforms with the requirements set forth in subsection (7)(a) of this rule.

(c) Example. Petroleum product is received at a marine terminal in this state and the tax is remitted. Substances that were not previously subject to the tax are added to the petroleum product resulting in an increase of the volume of the petroleum product. The petroleum product is then placed on

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a waterborne vessel or barge and received at a second marine terminal in this state. Upon receipt at the second marine terminal the tax is due on the incremental increase in volume of the petroleum product caused by the addition of the substances.

(8) Export credit. A credit is allowed against the tax ~~((imposed))~~ for any crude oil or petroleum products ~~((previously received in a manner subjected to the tax and subsequently))~~ exported from or sold for export from the state.

(a) An export credit may be taken by any person ~~((exporting))~~ who exports or ~~((selling))~~ sells for export any previously taxed product ~~((who has paid the tax on such product to a marine terminal operator or the department. An export credit may also be taken by any person who has purchased previously taxed product and who subsequently exports the product or sells the product for export, provided that such person has been invoiced for and has paid the tax to its seller. Any such invoice must state the amount of the tax passed on to the purchaser and identify the product to which the tax amount relates by type and quantity)).~~ When the person taking the export credit is not the person who remitted the tax, the proof of payment of tax may be made by information on an invoice or written certification that substantially conforms to the requirements set forth in subsection (7)(a) of this rule.

(b) A person exports ~~((previously taxed))~~ product when ~~((they))~~ he or she actually transports the product beyond the borders of this state for purposes of sale, or delivers the product to a common carrier for delivery and subsequent sale or use at a point outside this state. Documentation of export is described in (d) of this subsection.

(c) A person sells ~~((previously taxed))~~ product for export when as a necessary incident to a contract of sale the seller agrees to, and does deliver previously taxed product:

- (i) To the buyer at a destination outside this state;
- (ii) To a carrier consigned to and for transportation to a destination outside this state;
- (iii) To the buyer alongside or aboard a vessel or other vehicle of transportation under circumstances where it is clear that the process of exportation of the product has begun; or
- (iv) Into a pipeline for transportation to a destination outside this state.

In all circumstances there must be a certainty of export evidenced by some overt step taken in the export process. A sale for export will not necessarily be deemed to have occurred if the product is merely in storage awaiting shipment, even though there is reasonable certainty that the product will be exported. The intention to export, as evidenced for example, by financial and contractual relationships does not indicate certainty of export if the product has not commenced its journey outside this state. The product must actually enter the export stream. Sales of petroleum products by delivery into the fuel tank of a vessel or other vehicle in quantities greater than one hundred gallons will be considered placed into the export stream, provided the vessel or vehicle is immediately destined for a point outside this state and the seller obtains and keeps the documentary evidence provided in (d) of this subsection.

~~((A person claiming credit for sales for export under this subsection (7) must document the fact the product was placed into the export process. This fact))~~ A person who takes the credit for export must show that the previously taxed product was exported or sold for export. An export or a sale for export may be shown by obtaining and keeping any of the following documentary evidence:

- (i) A bona fide bill of lading in which the seller is the shipper/consignor and by which the carrier agrees to transport the product to the buyer at a destination outside this state; or
- (ii) A written certification in substantially the following form:

Certificate of Export

I hereby certify that the crude oil or petroleum products specified herein, purchased by or transferred to the undersigned from (seller or transferor), have been received into the export stream and are for export for sale or use outside Washington state. I will become liable for any tax credit granted (seller or transferor) pertaining to any crude oil or petroleum products which are not so exported outside Washington state. This certificate is given with full knowledge of, and subject to the legally prescribed penalties for fraud.

Registration No. Type of Business
 (If applicable)

Firm Name Registered Name
 (If different)

Authorized Signature

Title

Identity of Product
 (Kind and amount by volume)

Date ; or

- (iii) Documents consisting of:
 - (A) Purchase orders or contracts of sale which show that the seller is required to place the product into the export stream, e.g., "f.a.s. vessel"; and
 - (B) Local delivery receipts, tripsheets, waybills, warehouse releases, etc., reflecting how and when the product was delivered into the export stream; and
 - (C) When available, records showing that the products were packaged, numbered or otherwise handled in a way which is exclusively attributable to products sold for export.
- (e) Only the export or sale for export of crude oil or petroleum products will qualify for the export credit. Crude oil or petroleum products will not be eligible for the export credit if, prior to export, they are subject to further processing or used as ingredients in other compounds unless the resulting products are themselves crude oil or petroleum products.
- (f) Crude oil or petroleum products delivered to purchasers in other states pursuant to location exchange agreements will not qualify for the export credit unless the crude oil or petroleum products were previously subject to the tax and credit has not yet been taken. A location exchange agreement is any arrangement where crude oil or petroleum products located in this state are exchanged through an accounts cred-

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iting system, or any other method, for like substances located in other states. Any person acquiring previously taxed product in this state for which no credit has been taken may claim a credit on any such product subsequently exported or sold for export, provided all of the requirements set forth in ~~((this))~~ subsections ((7)) (8) and (9) of this rule have been met.

~~((Example.— An oil company enters into a location exchange agreement with a competitor which provides for the delivery of one thousand barrels of petroleum products to a local storage facility owned by the competitor. In exchange for the petroleum products delivered in Washington the competitor delivers one thousand barrels of like petroleum products to the oil company's storage facilities in California. The delivery of petroleum products in California would not constitute an export or sale for export of the products delivered in Washington even though the products are of like quality and quantity. If the competitor delivers products which have been previously subject to the tax and no credit has been taken, the delivery of products in California may qualify for the credit. The subsequent export of the petroleum products received by the competitor in Washington would qualify for the credit if the competitor has been invoiced for and has paid the tax to the exchanging oil company.))~~

(g) Persons claiming this credit must maintain records necessary to verify that the credit taking qualifications have been met. For this purpose any person claiming a credit who maintains those records required by WAC 458-20-19301 (Multiple activities tax credit), subsection (9), will be considered to have satisfied the requirements of this subsection.

~~((8))~~ (9) Amount of credit. The amount of the credit will be equal to the tax previously paid ~~((by the person claiming the credit))~~ on the crude oil or petroleum product exported or sold for export and for which credit has not already been taken. In no event will a credit be allowed in excess of the tax paid on the product exported or sold for export.

(a) In the case of a person claiming credit who is not the taxpayer, the credit will be equal to that portion of the tax billed on an invoice or shown on a written certification that substantially conforms with the requirements set forth in subsection (7)(a) of this rule which relates to the particular product exported or sold for export.

In order to determine the amount of tax reflected on an invoice which relates to a particular product exported or sold for export, it may be necessary to convert the tax paid from a rate per barrel to a rate per gallon or some other unit of measurement. This conversion is computed by taking the total amount of tax paid on an invoice for a particular product and dividing that figure by the total quantity of the product expressed in terms of the unit of measurement used for export. The credit is then computed by multiplying the converted rate times the quantity of product exported or sold for export. ~~((In no event will a credit be allowed in excess of the tax paid on the product exported or sold for export.))~~

(b) ~~((Due to the fungible nature of crude oil and petroleum products it will sometimes be impossible for a person claiming a credit to determine exactly the rate of tax invoiced for a specific quantity of oil being exported or sold for export.~~

~~The physical handling of oil or petroleum products requires that products of like kind be stored in bulk. This commingling results in product bearing tax passed on at different rates making it difficult to determine the amount of credit applicable to an export sale. Under such circumstances))~~ When the product exported is previously taxed product commingled with untaxed product a person claiming the export credit may compute the ~~((tax))~~ amount of previously taxed product using one of the following methods:

(i) First-in, first-out method. Under this method the export credit is computed by treating existing inventory as sold before later acquired inventory.

(ii) Average of tax paid method. Under this method the export credit is determined by calculating the average rate of tax paid on all inventory. This method requires computing the tax by making adjustments in the rate of tax paid on all product on hand as it is removed from or added to storage.

(iii) Any other method approved by the department.

(c) The use of one of the methods set forth in this subsection ~~((8))~~ (9) to account for tax paid on commingled crude oil or petroleum products ~~((shall))~~ constitutes an election to continue using the method selected. Once selected, no change in accounting method ~~((will be))~~ is permitted without the prior consent of the department.

(d) Examples. The following are examples of the way in which the credit is to be computed:

(i) A petroleum products distributor purchases 100 barrels each of premium unleaded gasoline and regular unleaded gasoline. The invoice from the refiner separately states that the invoice includes \$5.00 of tax for each of the two types of products. The distributor pays the invoiced amount and later sells 2,000 gallons of the premium unleaded and 4,000 gallons of the regular unleaded to a retailer located outside Washington. In order to compute the amount of credit on the export sales the distributor must convert the tax paid from barrels to gallons. Since there are 42 US gallons in a barrel and 200 barrels purchased, the number of gallons equals 8400 (42 × 200). The per gallon tax paid on both products is equal to .119 cents per gallon (\$10.00 ÷ 8400). The distributor would be eligible for credit equal to \$2.38 for the premium unleaded (2,000 × \$.00119) and \$4.76 for the regular unleaded (4,000 × \$.00119).

(ii) Example. A petroleum products distributor purchases 100 barrels of unleaded gasoline on which ~~((it will use to blend with 30 barrels of ethanol to produce gasohol))~~ the tax has been remitted for a portion. The invoice for the unleaded separately states that the total price includes \$4.00 of tax. This previously taxed product is commingled with 30 barrels of gasoline received through a pipeline, that is, product that is not subject to tax. The distributor ~~((pays the invoiced amount and))~~ sells 2,940 gallons of ~~((gasohol))~~ commingled product to a retailer for sale outside Washington. The tax paid on the ~~((unleaded))~~ previously taxed product is equal to .095 cents per gallon (\$4.00 ÷ 4200). Since the exported product has been blended with ~~((a component))~~ product that has not been taxed, only 76.9% of the exported product is eligible for credit (100 ÷ 130). The credit ~~((would be))~~ is \$2.15 (2,940 × .769 × \$.00095).

(iii) Example. A petroleum distributor purchases 100 barrels of gasoline and receives from the seller an invoice that states that the tax has been paid on 90% of the shipped product. The distributor exports the 100 barrels. The petroleum distributor may claim an export credit of \$4.50. (90% of 100 barrels equals 90 barrels times the tax rate of \$.05 equals \$4.50.)

(iv) Example. A petroleum distributor purchases 100 barrels of unleaded gasoline from refinery A and later purchases 100 barrels from refinery B. The distributor stores all of its unleaded gasoline in a single storage tank. The invoice from refinery A separately states the amount of tax on the gasoline as \$5.00 and the refinery B invoice states the tax as \$4.00. The distributor pays the two invoiced amounts and sells 2,100 gallons of the commingled unleaded to a retailer located outside Washington. The distributor then purchases 100 more barrels of unleaded gasoline from distributor C. Distributor C's invoice separately states the tax as \$3.00. Following payment of the invoice, the distributor exports an additional 2,100 gallons of unleaded. The distributor could choose to calculate the tax using one of the methods of accounting described in (b) of this subsection.

(A) Under the first-in, first-out method the distributor would treat all 4,200 gallons sold as if it was the unleaded gasoline purchased from refinery A. Under this method, the credit would be equal to .119 cents per gallon ($\$5.00 \div 4,200$) or \$5.00 total ($\$.00119 \times 4,200$).

(B) Under the average of tax paid method the distributor would recompute the tax paid on average for the entire commingled amount making adjustments as gasoline is sold or gasoline is added. Prior to the addition of the purchases from refinery B or distributor C, the rate would be .119 cents per gallon ($\$5.00 \div 4,200$). Following the addition of the 100 barrels from refinery B the tank contains 8,400 gallons. The rate of tax would now be .107 cents per gallon ($(\$5.00 + \$4.00) \div 8,400$). Out of this amount 2,100 gallons is exported in the first sale. The credit for this sale would be equal to \$2.25 ($\$.00107 \times 2,100$). ~~((After the addition of the 100 barrels from distributor C, the tank contains 10,500 gallons (8,400 + 2,100 + 4,200). In order to recompute the tax, the total tax paid on the remaining gasoline after the first sale must be computed. After withdrawal of the 2,100 gallons of unleaded for the first sale, the total tax paid on the remainder would be \$6.74 ($(8,400 - 2,100) \times \$.00107$). The addition of the 100 barrels from distributor C causes the total tax for the stored amount to rise to \$9.74 ($\$6.74 + \3.00). The average rate of tax is now .093 cents per gallon ($\$9.74 \div 10,500$). The credit for the second export sale would be \$1.95 ($\$.00093 \times 2,100$).~~

~~(9))~~ (10) **Credit for use of petroleum products.** Effective March 26, 1992, any person having paid the tax imposed by this chapter may claim a refund or credit for the following:

- (a) The use of petroleum products as a consumer for a purpose other than as a fuel. For this purpose, the term consumer shall be defined as provided in RCW 82.04.190; or
- (b) The use of petroleum products as a component or ingredient in the manufacture of an item which is not a fuel.

(c) The amount of refund or credit claimed may not exceed the amount of tax paid by the person making such claim on the petroleum products so consumed or used.

~~((10) How and when to pay tax.~~ The tax must be reported on special return forms prescribed by the department. The tax is due for payment together with the timely filing of the return upon which it is reported, on the twenty-fifth day of the month following the month in which the taxable receipt into storage tanks occurs. In case any offloading commences on the last day of any month and extends past midnight, the receipt will be deemed to have occurred during the following month.

~~(11) How and when to claim credits.~~ Persons who pay tax under a direct payment certificate and persons who are both taxpayers and marine terminal operators should claim credits as an offset against tax liability reported on the same return when possible. The tax return form provides a line for reporting the tax and a line and supporting schedule for taking credits as an offset against the tax reported. Persons claiming credit who are not required to file returns reporting liability for the tax may claim credits on forms provided by the department for this purpose. It is not required that any documents or other evidences of entitlement to credits be submitted with the report. Such proofs must be retained in permanent records for the purpose of verification of credits taken.

~~(12) Sales to United States government.~~ The tax does not apply to the receipt into storage tanks of crude oil or petroleum products owned by the United States government. The United States government is also not required to collect the tax as a marine terminal operator when the United States government owns the facilities where crude oil or petroleum products are received. However, owners of crude oil or petroleum products received and placed into the storage tanks of marine terminals owned by the United States government remain liable for the tax. In such instances the taxpayer is required to report the tax on forms supplied by the department. The tax is due for payment along with a completed return on the twenty-fifth day of the month following the month in which receipt into storage tanks occurred.)

WSR 02-16-018

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed July 26, 2002, 3:36 p.m.]

Date of Adoption: July 26, 2002.

Purpose: WAC 308-13-150, sets registration and examination fees, those examination fees to be collected and passed on to the examination vendor.

Citation of Existing Rules Affected by this Order: Amending WAC 308-13-150.

Statutory Authority for Adoption: RCW 18.96.080 Applications—Contents—Fees.

Other Authority: RCW 43.24.086.

Adopted under notice filed as WSR 02-12-077 on June 3, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The landscape architect exam will be administered on December 9 and 10, 2002, and this rule change will be in effect by that date.

Effective Date of Rule: Thirty-one days after filing.

July 26, 2002

Alan E. Rathbun

BPD Assistant Director

AMENDATORY SECTION (Amending WSR 01-15-034, filed 7/12/01, effective 8/12/01)

WAC 308-13-150 Landscape architect fees and charges. The following fees will be collected from the candidates (~~for examination~~):

Title of Fee	Fee
Application fee	\$150.00
Reexamination administration fee	50.00
Exam proctor	100.00
Renewal (2 years)	300.00
Late renewal penalty	100.00
Duplicate license	25.00
Initial registration (2 years)	300.00
Reciprocity application fee	200.00
Certification	45.00
Replacement <u>wall</u> certificate	20.00

Those charges collected from candidates (~~shall be paid to CLARB~~) for the costs of the examinations shall be paid to CLARB.

Examination and Sections	Charges
Entire examination	\$ ((660.00)) <u>720.00</u>
Examination sections:	
Section A: Legal and administrative aspects of practice	((50.00)) <u>60.00</u>

Section B: Analytical aspects of practice ~~((90.00))~~
100.00

Section C: Planning and site design ~~((185.00))~~
200.00

Section D: Structural considerations and materials and methods of construction ~~((150.00))~~
160.00

Section E: Grading, drainage and stormwater management ~~((185.00))~~
200.00

WSR 02-16-021

PERMANENT RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 02-173—Filed July 26, 2002, 4:56 p.m.]

Date of Adoption: July 26, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-40-027.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 02-11-072 on May 13, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 26, 2002

J. P. Koenings

Director

AMENDATORY SECTION (Amending Order 01-104, filed 6/15/01, effective 7/16/01)

WAC 220-40-027 Salmon—Willapa Bay fall fishery. August 16 through December 31 of each year, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or

PERMANENT

Other

(4) All wholesale dealers and fishers retailing their fish will be required to report their landing by 10:00 a.m. the day following landing. Ticket information can be telephoned in by calling 1-866-791-1280 or faxing the information to 360-664-4689 or e-mailing to harborfishtickets@dfw.wa.gov. Report the dealer name, the purchasing location, the date of purchase, the fish ticket numbers, the gear used, the catch area, the species. The total number for each species and the total weight for each species.

WSR 02-16-023
PERMANENT RULES
WASHINGTON STATE PATROL

[Filed July 29, 2002, 8:38 a.m.]

Date of Adoption: July 29, 2002.

Purpose: Prescribe regulations consistent with nationally recognized good practice for the safeguarding of life and property from the hazards of fire, explosion, and panic.

Citation of Existing Rules Affected by this Order: Amending chapter 212-12 WAC, State patrol—Fire protection.

Statutory Authority for Adoption: Chapter 19.27 RCW.

Adopted under notice filed as WSR 02-11-038 on May 8, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 11, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 11, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 29, 2002

Steven T. Jewel

for Ronal W. Serpas

Chief

AMENDATORY SECTION (Amending Order 93-02, filed 2/16/93, effective 3/19/93)

WAC 212-12-001 Purpose. The purpose of this chapter is to prescribe regulations consistent with nationally recognized good practice for the safeguarding of life and property from the hazards of fire, explosion, and panic. ~~((This regulation is applicable to the director of fire protection services.))~~

The director of fire protection ~~((services))~~ is authorized to administer and enforce this chapter.

AMENDATORY SECTION (Amending Order 93-02, filed 2/16/93, effective 3/19/93)

WAC 212-12-005 Definitions. Unless otherwise clarified in this section, definitions in the State Building Code shall apply to this chapter. The following definitions shall also apply to this chapter:

~~(1) ("Adult family homes" are those facilities licensed by the department of social and health services under chapter 70.128 RCW and chapter 388-76 WAC. Adult family homes shall be classified as:~~

~~(a) Group R, Division 3 Occupancy when accommodating five or less clients or residents, excluding staff.~~

~~(b) Group R, Division 4 Occupancy when accommodating more than five and not more than sixteen ambulatory, nonrestrained clients or residents who may have a mental or physical impairment, excluding staff.~~

~~(c) Group R, Division 5 Occupancy when accommodating more than five and not more than sixteen nonambulatory, nonrestrained clients or residents, excluding staff.~~

~~(d) Group R, Division 1 Occupancy with Group I, Division 1.2 exit requirements when accommodating more than sixteen clients or residents, excluding staff.~~

~~(2)) "Adult residential rehabilitation ((facility)) center" means a residence, place, or ((facility)) center, including private adult treatment homes, licensed by the department of health under chapter 71.12 RCW and chapter 246-325 WAC. Adult residential rehabilitation facilities shall be classified as(:~~

~~(a) Group R, Division 3 Occupancy when accommodating five or less clients or residents, excluding staff.~~

~~(b) Group R, Division 4 Occupancy when accommodating more than five and not more than sixteen ambulatory, nonrestrained clients or residents who may have a mental or physical impairment, excluding staff.~~

~~(c) Group R, Division 5 Occupancy when accommodating more than five and not more than sixteen nonambulatory, nonrestrained clients or residents, excluding staff.~~

~~(d) Group R, Division 1 Occupancy with Group I, Division 1.2 exit requirements when accommodating more than sixteen clients or residents, excluding staff.~~

~~(3)) a Group LC Occupancy.~~

~~(2) "Alcoholism hospital" means facilities or institutions licensed by the department of health under chapter 71.12 RCW and chapter 246-322 WAC. Alcoholism hospitals shall be classified as a Group I, Division 1.1 Occupancy.~~

~~((4)) (3) "Alcoholism intensive inpatient treatment services" means those services licensed by the department of health under chapter 71.12 RCW and chapter 246-326 WAC. Alcoholism intensive inpatient treatment services shall be classified as(:~~

~~(a) Group R, Division 3 Occupancy when accommodating five or less clients or residents, excluding staff.~~

~~(b) Group R, Division 4 Occupancy when accommodating more than five and not more than sixteen ambulatory, nonrestrained clients or residents who may have a mental or physical impairment, excluding staff.~~

~~(c) Group R, Division 5 Occupancy when accommodating more than five and not more than sixteen nonambulatory, nonrestrained clients or residents, excluding staff.~~

~~(d) Group R, Division 1 Occupancy with Group I, Division 1.2 exit requirements when accommodating more than sixteen clients or residents, excluding staff.~~

~~(5)) a Group LC Occupancy.~~

(4) "Alcoholism treatment facility" means a facility operated primarily for the treatment of alcoholism licensed by the department of health under chapter 71.12 RCW and chapter 246-362 WAC. Alcoholism treatment facilities shall be classified as follows:

(a) "Alcoholism detoxification services":

(i) Acute: Group I, Division 1.1.

~~(ii) Sub-acute: ((Group R, Division 3 Occupancy when accommodating five or less clients or residents, excluding staff; Group R, Division 4 Occupancy when accommodating more than five and not more than sixteen ambulatory, nonrestrained clients or residents who may have a mental or physical impairment, excluding staff; Group R, Division 5 Occupancy when accommodating more than five and not more than sixteen nonambulatory, nonrestrained clients or residents, excluding staff; Group R, Division 1 Occupancy with Group I, Division 1.2 exit requirements when accommodating more than sixteen clients or residents, excluding staff.))~~ A Group LC Occupancy.

(b) "Alcoholism long term treatment services": Alcoholism long term treatment services shall be classified as(:

~~(i) Group R, Division 3 Occupancy when accommodating five or less clients or residents, excluding staff.~~

~~(ii) Group R, Division 4 Occupancy when accommodating more than five and not more than sixteen ambulatory, nonrestrained clients or residents who may have a mental or physical impairment, excluding staff.~~

~~(iii) Group R, Division 5 Occupancy when accommodating more than five and not more than sixteen nonambulatory, nonrestrained clients or residents, excluding staff.~~

~~(iv) Group R, Division 1 Occupancy with Group I, Division 1.2 exit requirements when accommodating more than sixteen clients or residents, excluding staff.))~~ a Group LC Occupancy.

(c) "Alcohol recovery house services": Alcohol recovery house services shall be classified as(:

~~(i) Group R, Division 3 Occupancy when accommodating five or less clients or residents, excluding staff.~~

~~(ii) Group R, Division 4 Occupancy when accommodating more than five and not more than sixteen ambulatory, nonrestrained clients or residents who may have a mental or physical impairment, excluding staff.~~

~~(iii) Group R, Division 5 Occupancy when accommodating more than five and not more than sixteen nonambulatory, nonrestrained clients or residents, excluding staff.~~

~~(iv) Group R, Division 1 Occupancy with Group I, Division 1.2 exit requirements when accommodating more than sixteen clients or residents, excluding staff.~~

~~(6))~~ a Group LC Occupancy.

(5) "Ambulatory" means physically and mentally capable of walking or traversing a normal path to safety, including the ascent and descent of stairs, without the physical assistance of another person.

~~((7))~~ (6) "Approved" refers to approval by the director of fire protection ~~((services))~~ as a result of investigation and tests conducted by the director of fire protection ~~((services))~~ or by reason of accepted principles or tests by national authorities, or technical or scientific organizations.

~~((8))~~ (7) "Authority having jurisdiction" is the director of fire protection ~~((services))~~ or authorized deputy or designee.

(8) "Assistant state fire marshal" means the assistant state fire marshal who manages a specific division within the fire protection bureau or as designated by the director of fire protection.

(9) "Bed and breakfast:" See transient accommodation definition in this section.

(10) "Boarding home" means any home or other institution licensed by the department of health under chapter 18.20 RCW and chapter ~~((246-316))~~ 388-78A WAC. Boarding homes shall be classified as(:

~~(a) Group R, Division 3 Occupancy when accommodating five or less clients or residents, excluding staff.~~

~~(b) Group R, Division 4 Occupancy when accommodating more than five and not more than sixteen ambulatory, nonrestrained clients or residents who may have a mental or physical impairment, excluding staff.~~

~~(c) Group R, Division 5 Occupancy when accommodating more than five and not more than sixteen nonambulatory, nonrestrained clients or residents, excluding staff.~~

~~(d) Group R, Division 1 Occupancy with Group I, Division 2.1 exit requirements when accommodating more than sixteen clients or residents, excluding staff.))~~ a Group LC Occupancy.

(11) "Building official" means the designated authority appointed by the governing body of each city or county who is in charge of the administration and enforcement of the Uniform Building Code.

~~(12) ("Chief deputy state fire marshal" means the chief deputy state fire marshal who manages a specific unit within the fire protection services division or as designated by the director of fire protection services.~~

~~(13))~~ "Child birth center" means a facility or institution licensed by the department of health under chapter 18.46 RCW and chapter 246-329 WAC. Child birth centers shall be classified as(:

~~(a) Group R, Division 3 Occupancy when accommodating five or less clients or residents, excluding staff.~~

~~(b) Group R, Division 4 Occupancy when accommodating more than five and not more than sixteen ambulatory, nonrestrained clients or residents who may have a mental or physical impairment, excluding staff.~~

~~(c) Group R, Division 5 Occupancy when accommodating more than five and not more than sixteen nonambulatory, nonrestrained clients or residents, excluding staff.~~

~~(d) Group R, Division 1 Occupancy with Group I, Division 1.2 exit requirements when accommodating more than sixteen clients or residents, excluding staff.~~

~~(14))~~ a Group B Occupancy.

(13) "Child day care center" means an agency which provides child day care outside the abode of the licensee or for thirteen or more children in the abode of the licensee. Such facilities are licensed by the department of social and health

services under chapter 74.15 RCW and chapter 388-150 WAC. Child day care centers shall be classified as a Group E, Division 3 Occupancy.

~~((15))~~ (14) "Director of fire protection (~~(services)~~)" means the director of the fire protection (~~(services division)~~) bureau in the (~~(department of community development)~~) Washington state patrol or authorized deputy or designee.

~~((16))~~ (15) "Evaluation process" means the initial steps in the informal appeals process established by the director of fire protection (~~(services)~~) under the authority of RCW 34.05.060.

~~((17))~~ (16) "Family child day care home" means a child day care facility located in the family abode of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home. Such facilities are licensed by the department of social and health services under chapter 74.15 RCW and chapter 388-155 WAC. Family child day care homes shall be classified as a Group R, Division 3 Occupancy.

~~((18))~~ (17) "Fire official" means the person or other designated authority appointed by the city or county for the administration and enforcement of the Uniform Fire Code.

~~((19))~~ (18) "Group care facility" means a facility licensed by the department of social and health services under chapter 74.15 RCW and chapter 388-73 WAC. Group care facilities shall be classified as:

~~(a) Group R, Division 3 Occupancy when accommodating five or fewer clients or residents, excluding staff.~~

~~(b) Group R, Division 4 Occupancy when accommodating more than five and not more than sixteen ambulatory, nonrestrained clients or residents who may have a mental or physical impairment, excluding staff.~~

~~(c) Group R, Division 5 Occupancy when accommodating more than five and not more than sixteen nonambulatory, nonrestrained clients or residents, excluding staff.~~

~~(d) Group R, Division 1 Occupancy with Group I, Division 1.2 exit requirements when accommodating more than sixteen clients or residents, excluding staff.~~

~~(20))~~ a Group LC Occupancy.

(19) "Group care facilities for severely and multiply handicapped children" means facilities which are maintained and operated for the care of a group of children as licensed by the department of social and health services under chapter 74.15 RCW and chapter 388-73 WAC. Group care facilities for severely and multiply handicapped children shall be classified as:

~~(a) ((Group R, Division 3 Occupancy when accommodating five or less clients or residents, excluding staff.~~

~~(b) Group R, Division 4 Occupancy when accommodating more than five and not more than sixteen ambulatory, nonrestrained clients or residents who may have a mental or physical impairment, excluding staff.~~

~~(c) Group R, Division 5 Occupancy when accommodating more than five and not more than sixteen nonambulatory, nonrestrained clients or residents, excluding staff.~~

~~(d) Group R, Division 1 Occupancy with Group I, Division 1.2 exit requirements when accommodating more than sixteen ambulatory clients or residents, excluding staff.~~

~~(e))~~ A Group LC Occupancy.

~~(b)~~ Group I, Division 1.1 Occupancy when accommodating more than sixteen nonambulatory clients or residents, excluding staff.

~~((f))~~ (c) Group I, Division 3 Occupancy when accommodating any number of restrained persons.

~~((21))~~ (20) "Hospice care center" means any building, facility, or place licensed by the department of health under chapter 70.41 RCW and chapter 246-321 WAC. Hospice care centers shall be classified as a Group I, Division 1.1 Occupancy.

~~((22))~~ (21) "Hospital" means an institution, place, building, or agency licensed by the department of health under chapter 70.41 RCW and chapter 246-318 WAC. Hospitals shall be classified as a Group I, Division 1.1 Occupancy.

~~((23))~~ (22) "Nonambulatory" means physically or mentally unable to walk or traverse a normal path to safety without the physical assistance of another person.

~~((24))~~ (23) "Nursing home" means any home, place, or institution licensed by the department of social and health services under chapter 18.51 RCW and chapter 248-14 WAC. Nursing homes shall be classified as a Group I, Division 1.1 Occupancy.

~~((25))~~ (24) "Private adult treatment home" means the same as an adult residential rehabilitation (~~(facility)~~) center as defined in ~~((2))~~ (1) of this section.

~~((26))~~ (25) "Psychiatric hospital" means an institution licensed by the department of health under chapter 71.12 RCW and chapter 246-322 WAC. Psychiatric hospitals shall be classified as a Group I, Division 3 Occupancy.

~~((27))~~ (26) "Residential treatment facility for psychiatrically impaired children and youth" means a residence, place, or facility licensed by the department of health under chapter 71.12 RCW and chapter 246-323 WAC. Residential treatment facilities for psychiatrically impaired children and youth shall be classified as:

~~(a) ((Group R, Division 3 Occupancy when accommodating five or less clients or residents, excluding staff.~~

~~(b) Group R, Division 4 Occupancy when accommodating more than five and not more than sixteen ambulatory, nonrestrained clients or residents who may have a mental or physical impairment, excluding staff.~~

~~(c) Group R, Division 5 Occupancy when accommodating more than five and not more than sixteen nonambulatory, nonrestrained clients or residents, excluding staff.~~

~~(d) Group R, Division 1 Occupancy with Group I, Division 1.2 exit requirements when accommodating more than sixteen ambulatory, nonrestrained clients or residents, excluding staff.~~

~~(e))~~ A Group LC Occupancy.

(b) Group I, Division 1.1 Occupancy when accommodating more than sixteen nonambulatory, nonrestrained clients or residents, excluding staff.

~~((f))~~ (c) Group I, Division 3 Occupancy when accommodating any number of restrained persons.

~~((28))~~ (27) "State fire marshal" means the director of fire protection (~~(services)~~) or authorized deputy or designee.

~~((29))~~ (28) "Transient accommodation" means any facility licensed by the department of health under chapter 70.62 RCW and chapter 246-360 WAC and shall include bed

and breakfast inns. Transient accommodations shall be classified as a Group R, Division 1 Occupancy when accommodating more than ten persons and a Group R, Division 3 Occupancy when accommodating ten or less persons.

AMENDATORY SECTION (Amending Order FM-77-2, filed 11/17/77)

WAC 212-12-010 Adoption of fire safety standards.

(1) **Application.** This regulation shall apply to:

- (a) Transient accommodations (RCW 70.62.290).
- (b) Nursing homes (RCW 18.51.140).
- (c) Hospitals (RCW 70.41.080).
- (d) Boarding homes (RCW 18.20.130).
- (e) Private establishments; i.e. private, mental, and alcoholic hospitals (RCW 71.12.485).
- (f) ~~((Maternity homes))~~ Child birth center (RCW 18.46.110).
- (g) Agencies licensed by the department of social and health services pursuant to chapter 74.15 RCW, RCW 74.32.040 through 74.32.055, and 74.13.031, except foster family homes and child placing agencies.
- (h) Schools under the jurisdiction of the superintendent of public instruction and the state board of education (RCW 48.48.045).

~~((i) Private schools (RCW 28A.02.201-))~~

(2) **Purpose.** The purpose of these standards is to specify measures which will provide a reasonable degree of public safety from fire without involving hardship or interference with the normal use and occupancy of a building.

(3) **Fire safety standards.** The fire safety standards of the ~~((state fire marshal))~~ director of fire protection shall be as follows:

(a) The fire safety standards or applicable portions thereof as found or referenced in the State Building Code Act, chapter 19.27 RCW.

(b) The ~~((1976))~~ 1985 edition of the National Fire Protection Association Life Safety Code 101.

(c) Those standards of the National Fire Protection Association applicable to and expressly or impliedly referenced in the Life Safety Code.

(4) **Enforcement.** Enforcement of these fire safety standards shall be as follows:

(a) New construction or major remodeling shall be in conformance with the Uniform Building Code and the Uniform Fire Code, as administered by ~~((the))~~ state and local officials having jurisdiction.

(b) Operation and maintenance shall be in conformance with the Uniform Fire Code, as administered by ~~((the))~~ state and local officials having jurisdiction.

(c) ~~((Existing buildings shall be governed by local codes and the Life Safety Code.~~

~~((d))~~ Existing licensed occupancies previously approved by the state fire marshal as in conformance with the standards then in effect shall have their existing use or occupancy continued, provided such continued use is not dangerous to life and is acceptable to the local fire and building officials having jurisdiction.

~~((e) An existing occupancy, licensed as in conformance with a previous edition of the Life Safety Code, may opt to conform to the most recent edition of the Life Safety Code, but only if the most recent code is used in its entirety as the applicable code for the occupancy.~~

~~((f))~~ (d) Occupancies, operations or processes not specifically covered elsewhere, in which the ~~((state fire marshal))~~ director of fire protection has responsibilities for the removal of fire hazards, shall be conducted and/or maintained in accordance with the latest edition of the National Fire Protection Association Fire Codes which shall be deemed prima facie evidence of good practice.

AMENDATORY SECTION (Amending Order 93-02, filed 2/16/93, effective 3/19/93)

WAC 212-12-011 Applicability. This chapter shall apply to:

- (1) Child birth centers.
- (2) Transient accommodations.
- (3) Nursing homes.
- (4) Hospice care centers.
- (5) Hospitals.
- (6) Boarding homes.
- (7) ~~((One day out patient surgery centers.~~
- ~~((8))~~ Child day care centers.
- ~~((9))~~ (8) Family child day care homes.

~~((10))~~ (9) Private establishments: I.e., adult residential rehabilitation facilities, alcoholism hospitals, alcoholism treatment facilities, psychiatric hospitals, and residential treatment facilities for psychiatrically impaired children and youth.

~~((11))~~ (10) Facilities licensed by the department of social and health services, except foster family homes and child placing agencies.

~~((12))~~ (11) Schools under the jurisdiction of the superintendent of public instruction and the state board of education (RCW 48.48.045).

~~((13) Private schools (RCW 28A.195.010).~~

~~((14))~~ (12) Public buildings (RCW 48.48.030).

AMENDATORY SECTION (Amending Order 93-02, filed 2/16/93, effective 3/19/93)

WAC 212-12-015 Compliance. (1) The director of fire protection ~~((services))~~ has the responsibility under WAC 212-12-010, chapters 19.27 and 48.48 RCW, and chapters ~~((51-20, 51-21, 51-22, and 51-24))~~ 51-40, 51-42, 51-44, and 51-45 WAC to require occupancies, operations, or processes to be conducted and/or maintained so as not to pose a hazard to life or property and for the removal of fire and life safety hazards.

(2) New construction or remodeling shall be in conformance with the State Building Code Act and chapters 19.27 and 48.48 RCW.

(3) All occupancies, operations, or processes in which the director of fire protection ~~((services))~~ has responsibility shall comply with the provisions of this chapter.

AMENDATORY SECTION (Amending Order 93-02, filed 2/16/93, effective 3/19/93)

WAC 212-12-020 Inspection. (1) The director of fire protection ((services)) shall have the authority to:

(a) Enter upon and examine any building or premises where any fire has occurred and other buildings and premises adjoining or near thereto per RCW 48.48.030(1), 48.48.060, 48.48.070, and 48.48.080.

(b) Enter upon and examine any public building or premises to inspect for fire hazards per RCW 48.48.030(2), 48.48.040, 48.48.045, and 48.48.050.

(c) Collect and disseminate statistical information and reports per RCW 48.48.065.

(2) The director of fire protection ((services)) may designate another person or agency to conduct the inspection.

AMENDATORY SECTION (Amending Order 93-02, filed 2/16/93, effective 3/19/93)

WAC 212-12-025 Right of appeal. Any person may appeal any decision made by fire protection ((services)) bureau under this chapter through the following procedure:

(1) The first level of appeal is to the ((chief deputy)) assistant state fire marshal. The appeal must be submitted in writing to the ((chief deputy)) assistant state fire marshal within thirty days of receipt of the decision in question. The ((chief deputy)) assistant state fire marshal shall reply to the appellant within ten days of receipt of such appeal.

(2) The second level of appeal is to the director of fire protection ((services)). If the appellant wishes to appeal the decision of the ((chief deputy)) assistant state fire marshal, he/she shall, within ten days of the receipt of that decision, submit a written appeal to the director of fire protection. The director of fire protection ((services)) shall reply to the appellant within ten days of receipt of such appeal.

(3) Should this process not satisfy the appellant, he or she may further appeal per chapter 34.05 RCW.

AMENDATORY SECTION (Amending Order 93-02, filed 2/16/93, effective 3/19/93)

WAC 212-12-030 Standards. The fire and life safety standards of the fire protection ((services division)) bureau shall include the following:

(1) Chapter ((51-20)) 51-40 WAC, State Building Code adoption ((and amendment)) of the ((1991)) 1997 edition of the Uniform Building Code, standards and amendments.

(2) ((Chapter 51-21 WAC, State Building Code adoption and amendment of the 1991 edition of the Uniform Building Code Standards.

(3)) Chapter ((51-22)) 51-42 WAC, State Building Code adoption ((and amendment)) of the ((1991)) 1997 edition of the Uniform Mechanical Code, standards and amendments.

((4)) (3) Chapter ((51-24)) 51-44 WAC, State Building Code adoption ((and amendment)) of the ((1991)) 1997 edition of the Uniform Fire Code, and amendments.

((5)) (4) Chapter ((51-25)) 51-45 WAC, State Building Code adoption ((and amendment)) of the ((1991)) 1997 edition of the Uniform Fire Code Standards.

AMENDATORY SECTION (Amending Order 93-02, filed 2/16/93, effective 3/19/93)

WAC 212-12-035 Special requirements. In addition to the fire and life safety standards listed in WAC 212-12-030, the following shall apply:

(1) ((In Group I Occupancies, light hazard areas shall be provided with 140 to 165 degree F, quick response sprinklers as listed by Underwriters Laboratories and/or Factory Mutual.

(2)) In nursing homes, fire alarm system annunciators shall be provided where the system serves more than one floor, one fire or smoke division, or one building. They shall be located at each main nurses' station on each floor, fire or smoke division, and/or building.

((3)) (2) In all Group E-3, I, LC Occupancies, annual certification of fire alarm systems shall be performed by the holder of a current low-voltage electrical contractors specialty license issued by the department of labor and industries.

((4) In addition to other requirements as specified in this chapter, the following shall apply to residential group care facilities classified as Group R, Division 1 Occupancies including such residential group care facilities as adult family homes, adult residential rehabilitation facilities, alcoholism intensive inpatient treatment services, sub-acute alcoholism detoxification services, alcoholism long term treatment services, alcohol recovery house services, boarding homes, child birth centers, group care facilities, group care facilities for severely and multiply handicapped children, private adult treatment homes, residential treatment facilities for psychiatrically impaired children and youth, and other like facilities and occupancies when classified as a Group R, Division 1 Occupancy:

(a) Have installed an approved fully automatic fire extinguishing system conforming to UBC Standard No. 38-1.

(b) In buildings with individual floor areas over 6,000 square feet, have an approved smoke barrier dividing the floor into at least two compartments, provided that each compartment shall provide no less than thirty square feet per occupant.

(c) Be a minimum Type V, one hour construction.

(d) Be equipped with an approved smoke detector and automatic shutoff in each single system providing heating and cooling air. Automatic shutoffs shall shut down the air-moving equipment when smoke is detected in a circulating airstream or as an alternate, when smoke is detected in rooms served by the system.

When required, smoke detectors shall be installed in the main circulating air duct ahead of any fresh air inlet, or installed in each room or space served by the return air duct. Activation of any detector shall cause the air moving equipment to automatically shut down. An enclosure shall be provided for a stairway, ramp, or escalator serving only one adjacent floor.

~~(e) Facilities located above the first floor shall have at least two exits directly to the exterior of the building, or into separate exit systems in accordance with Section 3309(a), Uniform Building Code.~~

~~(f)) (3) Every story, and basements ((or portion thereof)) of Group LC Occupancies shall have not less than two exits.~~

Exception(s): ~~((1-)) Basements used exclusively for the service of the building may have one exit. For the purpose of this exception, storage rooms, laundry rooms, maintenance offices, and similar uses shall not be considered as providing service to the building.~~

~~((2- Storage rooms, laundry rooms, and maintenance offices not exceeding three hundred square feet in floor area may be provided with only one exit.~~

~~(g) Corridors shall be not less than six feet in width.~~

~~(h) In the event of power failure, exit illumination shall be automatically provided from an emergency system)) (4) In all Groups E-3, I, and LC Occupancies, emergency lighting for means of egress shall be provided. Emergency systems shall activate automatically in a power failure and be supplied from storage batteries or an on-site generator set ((and)). The system shall be installed in accordance with the requirements of the Electrical Code.~~

~~((i) Exit doors shall be openable from the inside with one motion and without the use of a key or any special knowledge or effort.~~

~~(j) An approved automatic and manual fire alarm system, supervised by an approved central, proprietary or remote station service, shall be provided in accordance with Article 14 of the Uniform Fire Code.~~

~~(k) Exits shall be provided as per the requirements for a Group I, Division 1.2 Occupancy.~~

~~(5) Nothing in this chapter affects the provisions of chapter 70.77 or 18.160 RCW, chapter 212-17 or 212-80 WAC.)~~

AMENDATORY SECTION (Amending Order 93-02, filed 2/16/93, effective 3/19/93)

WAC 212-12-040 Fire ((evacuation)) emergency plan. All Group I, Group E, Group LC and Group R Occupancies shall develop and maintain a written fire ((evacuation)) emergency plan. The plan shall include the following:

(1) Action to take by the person discovering a fire.

(2) Method of sounding an alarm on the premises.

(3) Actions to take for evacuation ((of the building)) and assuring accountability of the occupants.

(4) ((Action to take pending arrival of the fire department.

(5)) An evacuation floor plan identifying exits ((doors and windows)).

((6)) (5) In Group R, Division 1 Occupancies and Group R, Division 3 Occupancies used as transient accommodations, a copy of the written evacuation plan shall be posted in each guest room((, preferably on the main exit door)).

AMENDATORY SECTION (Amending Order 93-02, filed 2/16/93, effective 3/19/93)

WAC 212-12-044 Fire drills. In all Group I, Group E, Group LC, and Group R Occupancies, at least twelve planned fire drills shall be held every year. Drills shall be conducted quarterly on each shift in Group I, Group R, and Group LC Occupancies and monthly in Group((s)) E ((and R)) Occupancies to familiarize personnel with signals and emergency action required under varied conditions. A detailed written record of all fire drills shall be maintained and available for inspection at all times. When drills are conducted between 9:00 p.m. and 6:00 a.m., a coded announcement may be used instead of audible alarms. Fire drills shall include the transmission of a fire alarm signal and simulation of emergency conditions. The ((local fire department)) fire alarm monitoring company shall be notified prior to the activation of the fire alarm system for drill purposes and again at the conclusion of the transmission and restoration of the fire alarm system to normal mode.

WSR 02-16-043

PERMANENT RULES

**DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-178—Filed July 31, 2002, 3:32 p.m.]

Date of Adoption: June 8, 2002.

Purpose: Adopt presumptive enforcement line for Medicine Creek treaty hunters.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-253.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 02-10-125 on May 1, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 31, 2002

Nancy Burkhardt

for Russ Cahill, Chair

Fish and Wildlife Commission

PERMANENT

AMENDATORY SECTION (Amending Order 01-289, filed 2/11/02, effective 3/14/02)

WAC 232-12-253 Tribal hunting—Medicine Creek Treaty hunters—Enforcement policy. (1) ((It is lawful for individuals authorized by the Puyallup, Nisqually, Squaxin Island and Muckleshoot Indian tribes to exercise treaty hunting rights reserved by the Treaty of Medicine Creek, 10 Stat. 1132, within the lands ceded in the Medicine Creek Treaty)) This rule establishes an interim enforcement and management line intended to address a long-standing dispute over the location of the southern boundary of the area ceded by the tribes signatory to the Treaty of Medicine Creek, 10 Stat. 1132. This interim line will guide the enforcement efforts of the department and will enable the department, the county prosecutors of Thurston, Mason, Lewis, Pierce, and Grays Harbor counties, and the tribes signatory to the Treaty of Medicine Creek, to better coordinate wildlife enforcement and resource planning in the region, without the need for time-consuming and costly litigation.

(2) For purposes of state law, enrolled members of the Puyallup, Nisqually, Squaxin Island and Muckleshoot Indian tribes, when authorized by their respective tribal governments, shall be deemed to be exercising their respective tribes' hunting right, as secured in the Treaty of Medicine Creek, when hunting on open and unclaimed lands, bounded on the west, north and east by the ceded area language contained in the Treaty of Medicine Creek, and lying north of the following line:

From the main stem of the Skookumchuck River up the drainage divide to the central point between the Skookumchuck and the North Fork of the Tilton River; thence south along the drainage divide to the point where the Skookumchuck, Newaukum, and North Fork of the Tilton rivers meet just north of Newaukum Lake; thence southerly along the drainage divide to Rooster Rock; thence along the top of Bremer Mountain to the confluence of the North Fork of the Tilton River with the Tilton River; thence south to the top of peak (el. 2,960); thence south along the divide between the Cowlitz and Tilton rivers and along the summit of the ridge known as Cottler's Rock, staying on the divide to encompass all of Sand Creek; thence across the valley and up the northern drainage boundary of Landers Creek to Vanson Peak (el. 4,935); thence along the drainage divide between the Cowlitz and Green rivers, along the eastern shore of Deadman Lake to the summit of Goat Mountain; thence dropping through the pass along the drainage divide at Ryan Lake; thence along the drainage divide between the Cispus and Green rivers, and Clearwater Creek of the Lewis River and continuing southeasterly along the divide between the Cispus and Lewis rivers to Badger Peak; thence continuing along the divide to an unnamed peak (el. 5,295) located north of Dark Mountain; thence along the drainage divide between McKoy Creek and Dark Creek to Surprise Peak; thence along the drainage divide to the top of Spud Hill; thence down and across the Cispus River and up the face of Blue Lake Ridge to the divide between Mouse Creek and Blue Lake tributaries; thence along the divide between Timonium Creek and Cat Creek to Hamilton Buttes; thence along the divide between the North Fork of the Cispus River and the Cispus River to Elk Peak;

thence continuing northeasterly along the same divide, and the divide between Johnson Creek and the Cispus River, passing through Buckhorn Camp (el. 6,240), honoring the divide between the Cowlitz and Cispus rivers, to the summit of Old Snowy Mountain; thence north along the crest of the Cascade range to Naches Peak; thence west through Chinook Pass along the divide of the Cowlitz River and the White River to the summit of Mt. Rainier.

((2) This rule is intended to address the limited issue of the geographic scope of the treaty hunting right and is not intended to change or alter the rights or legal status of either the state of Washington or any Indian tribe or tribal member.) (3) State hunting laws shall apply to enrolled members of the Puyallup, Nisqually, Squaxin Island and Muckleshoot Indian tribes when hunting outside of the above-described area, or on lands that are not "open and unclaimed" within the above-described area.

(4) This rule does not purport to define where the southern boundary of the Medicine Creek Ceded Area is in fact, nor does it represent an attempt to resolve any other legal issue regarding the nature or geographic scope of the hunting right secured by the Treaty of Medicine Creek.

WSR 02-16-045

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed August 1, 2002, 8:21 a.m.]

Date of Adoption: August 1, 2002.

Purpose: The Washington State Department of Agriculture procedural rules for funding 1/2 FTE by all commodity commissions.

Statutory Authority for Adoption: Chapters 15.65, 15.66, 15.24, 16.67, 15.44, 15.28, 15.26, 15.88, and 43.23 RCW.

Adopted under notice filed as WSR 02-13-132 on June 19, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 3, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 3, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 1, 2002

Valoria H. Loveland

Director

**CHAPTER 16-501 WAC
WSDA PROCEDURAL RULES—COMMODITY
BOARDS OR COMMISSIONS**

NEW SECTION

WAC 16-501-005 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout the chapter:

"**Assessment level**" means the total annual assessment collected by an agricultural commodity board or commission under the provisions of its marketing order or authorizing statute.

"**Department**" means the Washington State Department of Agriculture (WSDA).

"**Total financial contribution**" means the contributions from all agricultural commodity boards and commissions to cover one-half the annual salary and benefits of the department's commodity commission coordinator for commodity boards and commissions plus the annual costs for goods and services, travel, training and equipment necessary to support the commodity commission coordinator.

NEW SECTION

WAC 16-501-010 Commodity commission financial contribution. (1) Under the provisions of RCW 43.23, the director may establish, by rule, a method to fund staff support for all commodity boards and commissions.

(2) Before July 1 of each fiscal year, the department will determine the total financial contribution required from all commodity boards or commissions and calculate, according to the provisions of WAC 16-501-015, each board or commission's share of that total contribution. The board or commission's contribution shall be based on the previous fiscal year's assessment level.

(3) On or around July 1 of each fiscal year, the department will bill each commodity board or commission for its portion of the total financial contribution. The board or commission shall remit to the department the amount billed within thirty days of the billing date.

(4) The department will provide each commodity board or commission with an annual report regarding the department's activities on behalf of the boards or commissions.

NEW SECTION

WAC 16-501-015 Calculation of a commodity board or commission's contribution. The total financial contribution for each commodity board or commission shall be calculated using the following steps:

(1) Step 1 - Using a board or commission's assessment level, the base assessment portion of a commodity board or commission's share of the total financial contribution is established-as follows:

Contribution Categories

Assessment Level	Base Assessment
> \$100,000	\$ 250.00
100,001 - 250,000	500.00
250,001 - 500,000	750.00
500,001 - 1,000,000	1,000.00
1,000,001 - 5,000,000	2,000.00
5,000,001 - 10,000,000	3,000.00
10,000,001 and above	4,000.00

A percentage is calculated for each board or commission by dividing the board or commission's base assessment by the total base assessment for all boards and commissions.

For example, assuming Commission A's Base Assessment is \$4,000 divided by an assumed Total Base Assessment of \$80,000 results in 5% (.05)

(2) Step 2 - The difference between the total financial contribution and the total base assessment is apportioned to each board or commission using the percentage calculated in subsection (1) subject to a \$7,500 cap on any one board or commission;

For example, assuming a Total Financial Contribution of \$105,000 minus the assumed Total Base Assessment of \$80,000 results in a difference of \$25,000. \$25,000 multiplied by Commission A's .05 equals \$1,250. This is Commission A's portion of the difference.

(3) Step 3 - If any commission reaches the \$7,500 cap in Step 2, the difference between the amount calculated for that board or commission in subsection (2) and \$7,500 would be recalculated among the remaining commissions or boards using a percentage of each commission's base assessment to the total base assessment less the base assessment of the commission that reached the cap.

For example, assume that Commission A's percentage remains 5% but that the difference between the Total Financial Contribution and the Total Base Assessment is \$180,000. \$180,000 multiplied by .05 equals \$9,000. \$9,000 exceeds the \$7,500 cap for Commission A by \$1,500. This \$1,500 would be apportioned between the other boards and commissions excluding Commission A.

For example, assume that Commission B's base assessment is \$3,000. The Total Base Assessment excluding Commission A is now \$76,000 (\$80,000 less Commission A's \$4,000). Commission B's base assessment of \$3,000 divided by \$76,000 results in .04 rounded (4%). \$1,500 (the excess over the cap for Commission A) multiplied by .04 equals \$60, which is Commission B's share of the excess.

(4) Step 4 - A commodity commission or board's contribution is the sum of the base assessment from subsection (1) and the calculations in subsections (2) or (3) whichever is applicable.

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For example, using the calculations in subsection (2), Commission A's contribution is \$5,250 (\$4,000 base assessment plus \$1,250 apportioned share).

Using the calculations in subsection (3), Commission A's contribution is \$11,500 (\$4,000 base assessment plus the \$7,500 cap).

WSR 02-16-047
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed August 1, 2002, 1:15 p.m., effective October 1, 2002]

Date of Adoption: August 1, 2002.

Purpose: Safety and health core rules, chapter 296-800 WAC and General occupational health standards, chapter 296-62 WAC.

In November 2001 we made certain housekeeping changes to chapter 296-800 WAC, the Safety and health core rules. We now need to incorporate all the editing and other suggested changes into the rules. Changes adopted here are strictly clarification, editing and housekeeping changes. In general we:

- Moved the emergency washing requirements from chapter 296-62 WAC, General occupational health standards to the first aid section (WAC 296-800-150) in chapter 296-800 WAC, Safety and health core rules.
- Rewrote the safety committees and safety meetings section (WAC 296-800-130) for clarity.

WAC 296-62-130 Emergency washing facilities.

- Moved these requirements to the first-aid section (WAC 296-800-150) in chapter 296-800 WAC, Safety and health core rules.
- A note was added to WAC 296-62-130 stating that requirements relating to emergency washing facilities have been moved and the requirements left in WAC 296-62-130 apply only to agriculture.

WAC 296-62-060 Control requirements in addition to those specified.

- WAC 296-62-052 Access to records, already covers requirements in this section so they are being repealed.
- A note was added to this section stating that these requirements apply only to agriculture.

WAC 296-62-070 Chemical agents (airborne or contact).

- A note was added to this section stating that the requirements in WAC 296-62-070 through 296-62-07005 apply only to agriculture.

WAC 296-62-080 Biological agents.

- Moved the definition of "biological agents" to the definitions section (WAC 296-800-370) in chapter 296-800 WAC, Safety and health core rules.
- Moved the requirement relating to protecting employees from biological agents to the employer responsibility

section (WAC 296-800-110) in chapter 296-800 WAC, Safety and health core rules.

- A note was added to this section stating that these requirements apply only to agriculture.

WAC 296-800-110 Employer responsibilities: Safe workplace—Summary.

- Added two new sections that exist currently in chapter 296-62 WAC, General occupational health standards, and incorporated into this section.
- Reformatted the note.

WAC 296-800-11040 Control chemical agents.

- Created this new section and incorporated current requirements relating to controlling chemical agents from WAC 296-62-07005.

WAC 296-800-11045 Protect employees from biological agents.

- Created this new section and incorporated current requirements relating to protecting employees from biological agents from WAC 296-62-080.

WAC 296-800-130 Safety committees and safety meetings—Summary.

- Changed the title of this section to "Safety committees/meetings."
- Changed the titles and section numbers of all the sections located in WAC 296-800-130.
- Clarified language relating to the differences between a safety committee and a safety meeting.

WAC 296-800-13005 Establish a safety committee or have safety meetings.

- Incorporated language from this section into WAC 296-800-13020 and 296-800-13025.
- Repealed this section.

WAC 296-800-13010 Make sure that each meeting includes a discussion of established safety topics.

- Incorporated language from this section into WAC 296-800-13020 and 296-800-13025.
- Repealed this section.

WAC 296-800-13015 Make sure that safety committee meeting minutes are recorded and preserved.

- Incorporated language from this section into WAC 296-800-13020 and 296-800-13025.
- Repealed this section.

WAC 296-800-13020 Establish and conduct safety committees.

- Created this new section and incorporated language from WAC 296-800-13005, 296-800-13010, and 296-800-13015 for clarity.

WAC 296-800-13025 Follow these rules to conduct safety meetings.

- Created this new section and incorporated language from WAC 296-800-13005, 296-800-13010, and 296-800-13015 for clarity.

WAC 296-800-150 First aid—Summary.

- Added three new sections that exist currently in chapter 296-62 WAC relating to requirements for emergency washing facilities.
- Changed the note to a reference.

WAC 296-800-15030 Make sure emergency washing facilities are functional and readily accessible.

- Created this new section and incorporated current requirements relating to emergency washing facilities being functional and readily accessible from WAC 296-62-130.

WAC 296-800-15035 Inspect and activate your emergency washing facilities.

- Created this new section and incorporated current requirements relating to inspecting and activating emergency washing facilities from WAC 296-62-130.

WAC 296-800-15040 Make sure supplemental flushing equipment provides sufficient water.

- Created this new section and incorporated current requirements relating to the supplemental flushing equipment providing sufficient water from WAC 296-62-130.

WAC 296-800-16050 Make sure your employees use appropriate eye and face protection.

- Added the word "punctures" to the list of examples in the first bullet.
- Corrected a reference.

WAC 296-800-16070 Make sure your employees are protected from drowning.

- Clarified language.
- Deleted language relating to the prohibition of ski belts or inflatable type PFDs.
- Deleted first bullet in the note to address a "not at least as effective as" issue.
- Added clarifying language in the chart relating to Type V PFDs.
- Added a note relating to what a Type IV PFD is.

WAC 296-800-170 Employer chemical hazard communication—Introduction.

- Added language to the "important" section relating to using safer chemicals.
- Changed a note to a reference.

WAC 296-800-17020 Make sure material safety data sheets (MSDSs) are readily accessible to your employees.

- Clarified the language in the second bullet.

WAC 296-800-17025 Label containers holding hazardous chemicals.

- Added a note relating to labels.
- Clarified language relating to removing or defacing existing labels on incoming containers of hazardous chemicals.

WAC 296-800-17030 Inform and train your employees about hazardous chemicals in your workplace.

- Reformatted this section for clarity.

WAC 296-800-18010 Inform current employees of exposure records.

- Clarified language.
- Added a note relating to toxic chemicals.

WAC 296-800-18015 Provide access to exposure records.

- Clarified language in the note.

WAC 296-800-20005 Post and keep a WISHA poster in your workplace.

- Clarified note by adding language indicating other posters may be required.

WAC 296-800-23010 Clearly mark the water outlets that are not fit for drinking (nonpotable).

- Added the words "except in emergencies" in subsection (1) as a result of the addition of the emergency washing facilities requirements being incorporated into chapter 296-800 WAC.
- Clarified language in subsection (2).
- Added a reference relating to where the emergency washing facilities requirements are located.

WAC 296-800-23020 Provide bathrooms for your employees.

- Clarified language.
- Added language relating to bathrooms being maintained in a clean and sanitary condition.

WAC 296-800-25015 Provide handrails and stair railings.

- Clarified language.
- Changed the note to a reference and deleted an incorrect reference.

WAC 296-800-28040 Make sure electrical equipment is effectively grounded.

- Clarified language.
- Corrected the illustration.

WAC 296-800-28045 Make sure electrical equipment has overcurrent protection.

- Clarified language.

WAC 296-800-32025 Document the investigation findings.

- Changed the title of this section to "Document the preliminary investigation findings."

- Clarified language.

WAC 296-800-35030 Base penalty adjustments.

- Replaced the word "employee's" with "employer's."

WAC 296-800-35040 Reasons for increasing civil penalty amounts.

- Added an example to the willful portion of this section.

WAC 296-800-35056 You can request more time to comply.

- Added language relating to the assistant director responding to requests received by telephone or personal conversation if timely.

WAC 296-800-35076 Employers and employees can request an appeal of a citation and notice.

- Reformatted this section for clarity.

WAC 296-800-370 Definitions.

- Added the following definitions:
 - Biological agents
 - Chemical agents (airborne or contact)
 - Corrosive
 - Emergency washing facilities
 - Exposure record
 - Hand-held drench hoses
 - Personal eyewash units
 - Strong irritant
 - Toxic chemical
 - Work area
- Modified the following definitions:
 - Assistant director
 - Employee
 - Employer
 - Flammable
 - Oxidizer
 - Person

Citation of Existing Rules Affected by this Order:
Amending WAC 296-62-130 Emergency washing facilities, 296-62-060 Control requirements in addition to those specified, 296-62-070 Chemical agents (airborne or contact), 296-62-080 Biological agents, 296-800-110 Employer responsibilities: Safe workplace—Summary, 296-800-130 Safety committees and safety meetings—Summary, 296-800-150 First aid—Summary, 296-800-16050 Make sure your employees use appropriate eye and face protection, 296-800-16070 Make sure your employees are protected from drowning, 296-800-170 Employer chemical hazard communication—Introduction, 296-800-17020 Make sure material safety data sheets (MSDSs) are readily accessible to your employees, 296-800-17025 Label containers holding hazardous chemicals, 296-800-17030 Inform and train your employees about hazardous chemicals in your workplace, 296-800-18010 Inform current employees of exposure records, 296-800-18015 Provide access to exposure records, 296-800-20005 Post and keep a WISHA poster in your workplace, 296-800-23010 Clearly mark the water outlets that are not fit for drinking (nonpotable), 296-800-23020 Provide bathrooms for your employees, 296-800-25015 Provide

handrails and stair railings, 296-800-28040 Make sure electrical equipment is effectively grounded, 296-800-28045 Make sure electrical equipment has overcurrent protection, 296-800-32025 Document the investigation findings, 296-800-35030 Base penalty adjustments, 296-800-35040 Reasons for increasing civil penalty amounts, 296-800-35056 You can request more time to comply, 296-800-35076 Employers and employees can request an appeal of a citation and notice and 296-800-370 Definitions; and repealing WAC 296-800-13005 Establish a safety committee or have safety meetings, 296-800-13010 Make sure that each meeting includes a discussion of established safety topics, and 296-800-13015 Make sure that safety committee meeting minutes are recorded and preserved.

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, and [49.17].050.

Adopted under notice filed as WSR 02-09-092 on April 17, 2002.

Changes Other than Editing from Proposed to Adopted Version: As a result of written and oral comments received, the following sections are being changed as indicated below:

CHANGES TO THE RULES (Proposed rule versus rule actually adopted):

WAC 296-62-060 Control requirements in addition to those specified.

- The note now reads:
"Note: The requirements in this section apply only to agriculture. The requirements for general industry relating to control requirements have been moved to chapter 296-800 WAC, Safety and health core rules."

WAC 296-62-070 Chemical agents (airborne or contact).

- The note now reads:
"Note: The requirements in WAC 296-62-070 through 296-62-07005 apply only to agriculture. The requirements for general industry relating to chemical agents have been moved to chapter 296-800 WAC, Safety and health core rules."

WAC 296-62-080 Biological agents.

- The note now reads:
"Note: The requirements in subsection (1) and (2) of this section apply only to agriculture. The requirements for general industry relating to biological agents have been moved to chapter 296-800 WAC, Safety and health core rules."

WAC 296-62-130 Emergency washing facilities.

- The note now reads:
"Note: The requirements in this section apply only to agriculture. The requirements for general industry relating to emergency washing facilities have been moved to chapter 296-800 WAC, Safety and health core rules."

WAC 296-800-130 Safety committees/safety meetings—Summary.

- The important statement was clarified to read:

"This rule requires you to have a method of communicating and evaluating safety and health issues brought up by you or your employees in your workplace. Larger employers **must** establish a safety committee. Smaller employers have the choice of either establishing a safety committee or holding safety meetings with a management representative present.

There is a difference between a safety committee and a safety meeting.

- A safety committee is an organizational structure where members represent a group. This gives everyone a voice but keeps the meeting size to an effective number of participants.
- A safety meeting includes all employees and a management person is there to ensure that issues are addressed. Typically, the safety committee is an effective safety management tool for a larger employer and safety meetings are more effective for a smaller employer."
- The section numbers were changed to reflect the reformatting of the requirements relating to safety committees and safety meetings.

WAC 296-800-13020 Decide whether you need to establish a safety committee or hold safety meetings.

- The title of this section now reads, "Establish and conduct safety committees."
- This section was clarified to only include requirements relating to safety committees. It now reads:

"You must:

If:	Then:
You employ 11 or more employees on the same shift at the same location	You must establish a safety committee

You must:

(1) Establish a safety committee.

- Make sure your safety committee:
 - Has employee-elected and employer-selected members.
- The number of employee-elected members must equal or exceed the number of employer-selected members.

Note:
Employees selected by the employees bargaining representative or union qualify as employee-elected.
- The term of employee-elected members must be a maximum of one year. (There is no limit to the number of terms a representative can serve.)
- If there is an employee-elected member vacancy, a new member must be elected prior to the next scheduled meeting.
 - Has an elected chairperson.
 - Determines how often, when, and where, the safety committee will meet.

Note:

- Meetings should be one hour or less, unless extended by a majority vote of the committee.
- If the committee cannot agree on the frequency of meetings, the department of labor and industries regional safety consultation representative should be

consulted for recommendations. (See the resources section of this book for contacts.)

You must:

(2) Cover these topics:

- Review safety and health inspection reports to help correct safety hazards.
- Evaluate the accident investigations conducted since the last meeting to determine if the cause(s) of the unsafe situation was identified and corrected.
- Evaluate your workplace accident and illness prevention program and discuss recommendations for improvement, if needed.
- Document attendance.
- Write down subjects discussed.

(3) Record meetings.

- Prepare minutes from each safety committee and:
 - Preserve them for one year.
 - Make them available for review by safety and health consultation personnel of the department of labor and industries."

WAC 296-800-13025 Establish and conduct safety committees.

- The title of this section now reads, "Follow these rules to conduct safety meetings."
- This section was clarified to only include requirements relating to safety meetings. It now reads:

"You must:

If:	Then:
You have 10 or fewer employees OR If you have 11 or more employees that <ul style="list-style-type: none"> • Work on different shifts with 10 or fewer employees on each shift OR <ul style="list-style-type: none"> • Work in widely separate locations with 10 or fewer employees at each location 	You may choose to hold a safety meeting instead of a safety committee.

(1) Do the following for safety meetings.

- Make sure your safety meetings:
 - Are held monthly. You may meet more often to discuss safety issues as they come up.
 - Have at least one management representative.

(2) Cover these topics.

- Review safety and health inspection reports to help correct safety hazards.
- Evaluate the accident investigations conducted since the last meeting to determine if the cause(s) of the unsafe situation was identified and corrected.
- Evaluate your workplace accident and illness prevention program and discuss recommendations for improvement, if needed.

- Document attendance.
- Write down subjects discussed.

Note:

There are no formal documentation requirements for safety meetings except for writing down who attended and the topics discussed."

WAC 296-800-13030 Follow these rules to conduct safety meetings.

- This section was removed. Requirements in this section were incorporated into WAC 296-800-13025.

WAC 296-800-13035 Cover these topics during safety committees and safety meetings.

- This section was removed. Requirements in this section were incorporated into WAC 296-800-13020 and 296-800-13025.

WAC 296-800-13040 Record safety committee minutes and preserve them.

- This section was removed. Requirements in this section were incorporated into WAC 296-800-13020.

WAC 296-800-370 Definitions.

- Modified the definition of "assistant director" to read, "The assistant director for the WISHA services division at the department of labor and industries or his/her designated representative."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 7, Amended 27, Repealed 3; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 7, Amended 27, Repealed 3.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 7, Amended 27, Repealed 3.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 7, Amended 27, Repealed 3.

Effective Date of Rule: October 1, 2002.

August 1, 2002

Gary Moore

Director

AMENDATORY SECTION (Amending Order 80-14, filed 8/8/80)

WAC 296-62-060 Control requirements in addition to those specified.

Note: The requirements in this section apply only to agriculture. The requirements for general industry relating to control requirements have been moved to chapter 296-800 WAC. Safety and health core rules.

(1) In those cases where no acceptable standards have been derived for the control of hazardous conditions, every reasonable precaution shall be taken to safeguard the health of the worker whether provided herein or not.

(2) Preservation of records.

(a) Scope and application. This section applies to each employer who makes, maintains or has access to employee exposure records or employee medical records.

(b) Definitions.

(i) "Employee exposure record" - a record of monitoring or measuring which contains qualitative or quantitative information indicative of employee exposure to toxic materials or harmful physical agents. This includes both individual exposure records and general research or statistical studies based on information collected from exposure records.

(ii) "Employee medical record" - a record which contains information concerning the health status of an employee or employees exposed or potentially exposed to toxic materials or harmful physical agents. These records may include, but are not limited to:

(A) The results of medical examinations and tests;

(B) Any opinions or recommendations of a physician or other health professional concerning the health of an employee or employees; and

(C) Any employee medical complaints relating to workplace exposure. Employee medical records include both individual medical records and general research or statistical studies based on information collected from medical records.

(c) Preservation of records. Each employer who makes, maintains, or has access to employee exposure records or employee medical records shall preserve these records.

(d) Availability of records. The employer shall make available, upon request, to the director, department of labor and industries, or his designee, all employee exposure records and employee medical records for examination and copying.

(e) Effective date. This standard shall become effective thirty days after filing with the code reviser.

(3) Monitoring of employees. The department shall use industrial hygiene sampling methods and techniques including but not limited to personal monitoring devices and equipment approved by the director or his designee for the purpose of establishing compliance with chapter 296-62 WAC.

(a) The employer shall permit the director or his designee to monitor and evaluate any workplace or employee in accordance with all provisions of this subsection.

(b) The employer shall not prevent or discourage an employee from cooperating with the department by restricting or inhibiting his/her participation in the use of personal monitoring devices and equipment in accordance with all provisions of this subsection.

AMENDATORY SECTION (Amending Order 70-8, filed 7/31/70, effective 9/1/70)

WAC 296-62-070 Chemical agents (airborne or contact).

Note: The requirements in WAC 296-62-070 through 296-62-07005 apply only to agriculture. The requirements for gen-

eral industry relating to chemical agents have been moved to chapter 296-800 WAC, Safety and health core rules.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-080 Biological agents.

Note: The requirements in subsections (1) and (2) of this section apply only to agriculture. The requirements for general industry relating to biological agents have been moved to chapter 296-800 WAC, Safety and health core rules.

(1) Definition. Biological agents are organisms or their by-products.

(2) Protection from exposure. Workmen shall be protected from exposure to hazardous concentrations of biological agents which may arise from processing, handling or using materials or waste.

AMENDATORY SECTION (Amending WSR 99-07-063, filed 3/17/99, effective 6/17/99)

WAC 296-62-130 Emergency washing facilities.

Note: The requirements in this section apply only to agriculture. The requirements for general industry relating to emergency washing facilities have been moved to chapter 296-800 WAC, Safety and health core rules.

(1) Definitions.

"Emergency washing facilities" means emergency showers, eyewashes, eye/face washes, hand-held drench hoses, or other similar units.

"Corrosive" is a substance that can cause destruction of living tissue by chemical action, including acids with a pH of 2.5 or below or caustics with a pH of 11.0 or above.

"Strong irritant" means a chemical that is not corrosive, but causes a strong temporary inflammatory effect on living tissue by chemical action at the site of contact.

"Toxic chemical" means a chemical that produces serious injury or illness by absorption through any body surface.

(2) Facilities required.

(a) What requirements apply to accessing emergency washing facilities?

- Emergency washing facilities must be readily available and accessible.
- To be readily available and accessible, emergency washing facilities must be free of obstruction and require no more than ten seconds to reach.
- The travel distance should be no farther than fifty feet (15.25 meters).

(b) What requirements apply to emergency showers?

- Emergency showers must be provided if there is a potential for substantial portions of the body to come into contact with corrosives, strong irritants, or toxic chemicals.
- The emergency showers must deliver water to cascade over the user's entire body at a minimum rate of twenty gallons (75.7 liters) per minute for fifteen minutes or more.

(c) What requirements apply to emergency eyewash?

- Emergency eyewash must be provided where there is the potential for an employee's eyes to be exposed to corrosives, strong irritants, or toxic chemicals.
- The emergency eyewash equipment must irrigate and flush both eyes simultaneously while the operator holds the eyes open.
- The on-off valve must be activated in one second or less and must remain on without the use of the operator's hands until intentionally turned off.
- The emergency eyewash equipment must deliver at least 0.4 gallons (1.5 liters) of water per minute for fifteen minutes or more.

(d) What requirements apply to personal eyewash equipment?

- Personal eyewash units are portable, supplementary units that support plumbed units or self-contained units, or both, by delivering immediate flushing for less than fifteen minutes.
- Such units must deliver potable water or other medically approved eye flushing solution.
- Personal eyewash equipment may be used to supplement emergency washing facilities, however, they must not be used as a substitute.

(e) What are the requirements for hand-held drench hoses?

- Hand-held drench hoses are single-headed emergency washing devices connected to a flexible hose and can be used to irrigate and flush the face or other parts of the body.
- Hand-held drench hoses may be used to supplement emergency washing facilities, however, they must not be used as a substitute.
- Hand-held drench hoses must deliver at least 3.0 gallons (11.4 liters) of water per minute for fifteen minutes or more.

(f) What periodic inspection requirements apply to plumbed and self-contained washing equipment?

- All plumbed emergency eyewash facilities and hand-held drench hoses must be activated weekly and inspected annually to ensure that they function correctly and that the quality and quantity of water is satisfactory for emergency washing purposes.
- Emergency showers must be activated and inspected annually to ensure that they function correctly and that the quality and quantity of water is satisfactory for emergency washing purposes.
- All self-contained eyewash equipment and personal eyewash equipment must be inspected and maintained according to manufacturer instructions. Inspections for proper operation must be done annually. Sealed personal eyewashes must be replaced after the manufacturer's expiration date.

Note: Most manufacturers recommend fluid replacement every six months in self-contained eyewashes. The ANSI Standard can be obtained from the American National Standards Institute, 1430 Broadway, New York, New York 10018.

(3) Potable water. All emergency washing facilities using nonpotable water must have signs stating the water is nonpotable.

Note: For further information on the design, installation, and maintenance of emergency washing facilities, see American National Standards Institute (ANSI) publication Z358.1 - 1998, Emergency Eyewash and Shower Equipment. Emergency washing facilities that are designed to meet ANSI Z358.1 - 1998 also meet the requirements of this standard. The ANSI Standard can be obtained from the American National Standards Institute, 1430 Broadway, New York, New York 10018.

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

WAC 296-800-110 Employer responsibilities: Safe workplace—Summary. Your responsibility: To provide a safe and healthy workplace free from recognized hazards.

Important: Use these rules where there are no specific rules applicable to the particular hazard.

You must:

Provide a workplace free from recognized hazards.

WAC 296-800-11005.

Provide and use means to make your workplace safe.

WAC 296-800-11010.

Prohibit employees from entering, or being in, any workplace that is not safe.

WAC 296-800-11015.

Construct your workplace so it is safe.

WAC 296-800-11020.

Prohibit alcohol and narcotics from your workplace.

WAC 296-800-11025.

Prohibit employees from using equipment or materials that do not meet requirements.

WAC 296-800-11030.

Establish, supervise, and enforce rules that lead to a safe and healthy work environment that are effective in practice.

WAC 296-800-11035.

Control chemical agents.

WAC 296-800-11040.

Protect employees from biological agents.

WAC 296-800-11045.

Note: ~~((Use these rules where there are no specific rules applicable to the particular hazard.~~

•) Employees may discuss and participate in any WISHA safety and health related practice and may refuse to perform dangerous tasks without fear of discrimination. Discrimination includes: Dismissal, demotion, loss of seniority, denial of a promotion, harassment, etc. ((§)See chapter 296-360 WAC, Discrimination((§)) pursuant to RCW 49.17.160, for a complete description of discrimination and the department's responsibility to protect employees.

NEW SECTION

WAC 296-800-11040 Control chemical agents. You must:

- Control chemical agents in a manner that they will not present a hazard to your workers; or
- Protect workers from the hazard of contact with, or exposure to, chemical agents.

Note: Pesticides are considered to be chemical agents. As required by this rule, you must control them or provide protection to workers from exposure to pesticide hazards. Pesticide manufacturers supply precautionary statements in the

information provided with the pesticide that tells you how to protect your workers from these hazards.

NEW SECTION

WAC 296-800-11045 Protect employees from biological agents. You must:

- Protect employees from exposure to hazardous concentrations of biological agents that may result from processing, handling or using materials or waste.

Note: Potential exposure to biological agents occurs during cleanup, or other tasks, where employees handle:

- Animals or animal waste
- Body fluids
- Biological agents in a medical research lab
- Mold or mildew

Check The Center of Disease Control website (www.cdc.gov) to find published guidelines and information on safe handling and protection from specific biological agents (examples: Hanta virus, TB).

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-800-130 Safety committees (~~(and)~~) safety meetings—Summary. Important:

This rule requires you to have a method of communicating and evaluating safety and health issues brought up by you or your employees in your workplace. Larger employers must establish a safety committee. Smaller employers have the choice of either establishing a safety committee or holding safety meetings with a management representative present.

There is a difference between a safety committee and a safety meeting.

• A safety committee is an organizational structure where members represent a group. This gives everyone a voice but keeps the meeting size to an effective number of participants.

• A safety meeting includes all employees and a management person is there to ensure that issues are addressed. Typically, the safety committee is an effective safety management tool for a larger employer and safety meetings are more effective for a smaller employer.

Your responsibility:

To establish a ((workplace)) safety committee(~~(meeting to develop))~~) or hold safety meetings to create and maintain a safe and healthy workplace for all employees.

You must:

~~((Establish a safety committee or have safety meetings.~~

WAC 296-800-13005.

~~Make sure that each meeting includes a discussion of established safety topics.~~

WAC 296-800-13010.

~~Make sure that safety committee meeting minutes are recorded and preserved.~~

WAC 296-800-13015.)) Establish and conduct safety committees.

WAC 296-800-13020.

Follow these rules to conduct safety meetings.

WAC 296-800-13025.

NEW SECTION

WAC 296-800-13020 Establish and conduct safety committees. You must:

If:	Then:
You employ 11 or more employees on the same shift at the same location	You must establish a safety committee

(1) Establish a safety committee.

• Make sure your committee:

– Has employee-elected and employer-selected members.

◆ The number of employee-elected members must equal or exceed the number of employer-selected members.

Note: Employees selected by the employees bargaining representative or union qualify as employee-elected.

◆ The term of employee-elected members must be a maximum of one year. (There is no limit to the number of terms a representative can serve.)

◆ If there is an employee-elected member vacancy, a new member must be elected prior to the next scheduled meeting.

– Has an elected chairperson.

– Determines how often, when, and where, the safety committee will meet.

Note:

- Meetings should be one hour or less, unless extended by a majority vote of the committee.
- If the committee cannot agree on the frequency of meetings, the department of labor and industries regional safety consultation representative should be consulted for recommendations. (See the resources section of this book for contacts.)

You must:

(2) Cover these topics:

• Review safety and health inspection reports to help correct safety hazards.

• Evaluate the accident investigations conducted since the last meeting to determine if the cause(s) of the unsafe situation was identified and corrected.

• Evaluate your workplace accident and illness prevention program and discuss recommendations for improvement, if needed.

• Document attendance.

• Write down subjects discussed.

(3) Record meetings.

• Prepare minutes from each safety committee and:

– Preserve them for one year.

– Make them available for review by safety and health consultation personnel of the department of labor and industries.

NEW SECTION

WAC 296-800-13025 Follow these rules to conduct safety meetings. You must:

If:	Then:
You have 10 or fewer employees OR If you have 11 or more employees that • Work on different shifts with 10 or fewer employees on each shift OR • Work in widely separate locations with 10 or fewer employees at each location	You may choose to hold a safety meeting instead of a safety committee

(1) Do the following for safety meetings.

• Make sure your safety meetings:

– Are held monthly. You may meet more often to discuss safety issues as they come up.

– Have at least one management representative.

(2) Cover these topics.

• Review safety and health inspection reports to help correct safety hazards.

• Evaluate the accident investigations conducted since the last meeting to determine if the cause(s) of the unsafe situation was identified and corrected.

• Evaluate your workplace accident and illness prevention program and discuss recommendations for improvement, if needed.

• Document attendance.

• Write down subjects discussed.

Note: There are no formal documentation requirements for safety meetings except for writing down who attended and the topics discussed.

PERMANENT

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-800-150 Rule summary. Your responsibility: Make sure first-aid trained personnel are available to provide quick and effective first aid.

You must:

Make sure that first-aid trained personnel are available to provide quick and effective first aid.

WAC 246-800-15005.

Make sure first-aid training contains required subjects.

WAC 296-800-15010.

Keep current and document your first-aid training.

WAC 296-800-15015

Make sure appropriate first-aid supplies are readily available.

WAC 296-800-15020.

Provide a first-aid station when required.

WAC 296-800-15025.

Make sure emergency washing facilities are functional and readily accessible.

WAC 296-800-15030.

Inspect and activate your emergency washing facilities.

WAC 296-800-15035.

Make sure supplemental flushing equipment provides sufficient water.

WAC 296-800-15040.

(Note:) Reference: Your workplace may be covered by separate first-aid rules. If you do any of the types of work listed below, you must follow separate industry specific rules:

Industry	Chapter (WAC)
Agriculture	296-307
Compressed air	296-36
Construction	296-155
Fire fighting	296-305
Logging	296-54
Sawmill	296-78
Ship building and repairing	296-304

You can get copies of these rules by calling 1-800-4BE SAFE (1-800-423-7233), or by going to <http://www.lni.wa.gov>.

NEW SECTION

WAC 296-800-15030 Make sure emergency washing facilities are functional and readily accessible. You must:

- Provide an emergency shower:
 - When there is potential for major portions of an employee's body to contact corrosives, strong irritants, or toxic chemicals.
 - That delivers water to cascade over the user's entire body at a minimum rate of 20 gallons (75 liters) per minute for fifteen minutes or more.
- Provide an emergency eyewash:
 - When there is potential for an employee's eyes to be exposed to corrosives, strong irritants, or toxic chemicals.
 - That irrigates and flushes both eyes simultaneously while the user holds their eyes open.
 - With an on-off valve that activates in one second or less and remains on without user assistance until intentionally turned off.
 - That delivers at least 0.4 gallons (1.5 liters) of water per minute for fifteen minutes or more.

Note: Chemicals that require emergency washing facilities:

- You can determine whether chemicals in your workplace require emergency washing facilities by looking at the material safety data sheet (MSDS) or similar documents. The MSDS contains information about first-aid requirements and emergency flushing of skin or eyes.
- For chemicals developed in the workplace, the following resources provide information about first-aid requirements:
 - NIOSH Pocket Guide to Chemical Hazards
 - *DHHS (NIOSH) Publication No. 97-140
 - *<http://www.cdc.gov/niosh/npg/ggdstart.html>
 - Threshold Limit Values for Chemical Substances and Physical Agents American Conference of Governmental Industrial Hygienists (ACGIH)

- You must:
- Make sure emergency washing facilities:

- Are located so that it takes no more than ten seconds to reach.
- Are kept free of obstacles blocking their use.
- Function correctly.
- Provide the quality and quantity of water that is satisfactory for emergency washing purposes.

Note:

- If water in emergency washing facilities is allowed to freeze, they will not function correctly. Precautions need to be taken to prevent this from happening.
- The travel distance to an emergency washing facility should be no more than fifty feet (15.25 meters).
- For further information on the design, installation, and maintenance of emergency washing facilities, see American National Standards Institute (ANSI) publication Z358.1 - 1998, *Emergency Eyewash and Shower Equipment*. Emergency washing facilities that are designed to meet ANSI Z358.1 - 1998 also meet the requirements of this standard. The ANSI standard can be obtained from the American National Standards Institute, 1430 Broadway, New York, New York 10018.

Reference:

- Training in the location and use of your emergency washing facilities is required under the employer chemical hazard communication rule, WAC 296-800-170, and the accident prevention program rule, WAC 296-800-140.
- All emergency washing facilities using "not fit for drinking" (nonpotable) water must have signs stating the water is "not fit for drinking." See WAC 296-800-23010.

NEW SECTION

WAC 296-800-15035 Inspect and activate your emergency washing facilities. You must:

- Make sure all plumbed emergency washing facilities are inspected once a year to make sure they function correctly.

Note: Inspections should include:

- Examination of the piping
- Making sure that water is available at the appropriate temperature and quality
- Activation to check that the valves and other hardware work properly
- Checking the water flow rate.

You must:

- Make sure plumbed emergency eyewashes and hand-held drench hoses are activated weekly to check the proper functioning of the valves, hardware, and availability of water
- Make sure all self-contained eyewash equipment and personal eyewash units are inspected and maintained according to manufacturer instructions.
 - Inspections to check proper operation must be done once a year
 - Sealed personal eyewashes must be replaced after the manufacturer's expiration date.

Note: Most manufacturers recommend replacing fluid in open self-contained eyewashes every six months. The period for sealed containers is typically two years.

NEW SECTION

WAC 296-800-15040 Make sure supplemental flushing equipment provides sufficient water.

Note: Supplemental flushing equipment cannot be used in place of required emergency showers or eyewashes.

You must:

PERMANENT

- Make sure hand-held drench hoses deliver at least 3.0 gallons (11.4 liters) of water per minute for fifteen minutes or more.

Note: Why use a drench hose? A drench hose is useful when:

- The spill is small and does not require an emergency shower
- Used with a shower for local rinsing, particularly on the lower extremities.

You must:

- Make sure personal eyewash equipment delivers only clean water or other medically approved eye flushing solutions.

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

WAC 296-800-16050 Make sure your employees use appropriate eye and face protection. You must:

- Make sure that employees exposed to hazards that could injure their eyes and/or face use appropriate protection. Examples of these hazards include:

- Flying particles.
- Molten metal.
- Liquid chemicals.
- Acids or caustic liquids.
- Chemical gases or vapors.
- Any light that could injure the eyes such as lasers, ultraviolet, or infrared light.

- Objects that puncture.

- Make sure employees exposed to hazards from flying objects have eye protection with side protection, such as safety glasses with clip-on or slide-on side shields.

- Make sure eye protection for employees who wear prescription lenses:

- Incorporates the prescription into the design of the eye protection; or
- Is large enough to be worn over the prescription lenses without disturbing them.

- Make sure PPE used to protect the eyes and face meet the following specific ANSI (American National Standards Institute) standards((:)). (((:))Most commercially available PPE is marked with the specific ANSI requirements.(:))

- PPE bought before February 20, 1995, must meet ANSI standard ((A87)) Z87.1-1968.

- PPE bought on or after February 20, 1995, must meet ANSI standard Z87.1-1989.

- If you use eye or face protection that does not meet these ANSI standards, you must show they are equally effective.

Note: ANSI is the American National Standards Institute that publishes nationally recognized safety and health requirements. Their address is:
 ANSI (American National Standards Institute)
 1819 L Street NW
 Washington, DC 20036
 Phone: (202) 293-8020
 Fax: (202) 293-9287
 http://www.ansi.org

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-800-16070 Make sure your employees are protected from drowning. You must:

(1) Provide and make sure your employees wear personal flotation devices (PFD).

- When they work in areas where the danger of drowning exists, such as:

- On the water.
- Over the water.
- Alongside the water.

Note: Employees are not exposed to the danger of drowning when:

((~~The water is known to be less than chest high on the employee.~~))

- Employees are working behind standard height and strength guardrails.
- Employees are working inside operating cabs or stations that eliminate the possibility of accidentally falling into the water.
- Employees are wearing an approved safety belt with a lifeline attached that prevents the possibility of accidentally falling into the water.

You must:

- Provide your employees with PFDs approved by the United States Coast Guard ((~~PFDs—Ski belts or inflatable type PFDs are prohibited~~)) for use on commercial or merchant vessels. The following are appropriate or allowable United States Coast Guard-approved PFDs:

Type of PFD	General Description
Type I	Off-shore life jacket((:))_ effective for all waters or where rescue may be delayed.
Type II	Near-shore buoyant vest((:)), _ intended for calm, inland water or where there is a good chance of quick rescue.
Type III	Flotation aid((:))_ good for calm, inland water, or where there is a good chance of rescue.
Type V	Flotation aids such as board-sailing vests, deck suits, ((and)) work vests <u>and inflatable PFDs marked for commercial use.</u>

Note: • Commercially available PFDs are marked or imprinted with the type of PFD.
 • Type IV PFDs are throwable devices. They are used to aid persons who have fallen into the water.

You must:

- Inspect PFDs before and after each use for defects and make sure that defective PFDs are not used.

((~~You must:~~))

PERMANENT

(2) Provide approved life rings with an attached line on all docks, walkways, and fixed installations on or adjacent to water more than five feet deep.

- Life rings must:
 - Be United States Coast Guard approved 30 inch size.
 - Have attached lines that are at least 90 feet in length.
 - Have attached lines at least 1/4 inch in diameter.
 - Have attached lines with a minimum breaking strength of 500 pounds.
 - Be spaced no more than 200 feet apart.
 - Be kept in easily visible and readily accessible locations.

- Life rings and attached lines must:
 - Be maintained to retain at least 75 percent of their designed buoyancy and strength.
 - Be provided in the immediate vicinity when employees are assigned work at other casual locations where the risk of drowning exists.
 - Work assigned over water where the vertical drop from an accidental fall would be more than 50 feet, must be subject to specific procedures as approved by the department.

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

WAC 296-800-170 Employer chemical hazard communication—Introduction. Important:

Thousands of chemicals can be found in today's workplaces. These chemicals may have the capacity to cause health problems, from minor skin irritations to serious injuries or diseases like cancer. You should review the type of chemicals you use and consider using less hazardous chemicals (such as less toxic and nonflammable chemicals).

The Employer Chemical Hazard Communication rule was developed to make sure employers and employees are informed about chemical hazards in the workplace.

This rule applies to:

- Employers engaged in businesses where chemicals are used, distributed, or produced for use or distribution.
- Contractors or subcontractors that work for employers engaged in businesses where chemicals are used, distributed, or produced for use or distribution.

Exemptions: • Certain products, chemicals, or items are exempt from this rule. Below is a summarized list of these exemptions. See WAC 296-800-17055 at the end of this rule to get complete information about these exemptions:

- Any hazardous waste or substance
- Tobacco or tobacco products
- Wood or wood products that are not chemically treated and will not be processed, for example, by sawing and sanding
- Food or alcoholic beverages
- Some drugs, such as retail or prescription medications
- Retail cosmetics
- Ionizing and nonionizing radiation
- Biological hazards
- Any consumer product or hazardous substance when workplace exposure is the same as that of a consumer
- ◆ Retail products used in offices in the same manner and frequency used by consumers can be termed "consumer products", and include things such as:

Correction fluid, glass cleaner, and dishwashing liquid.

Example: If you use a household cleaner in your workplace in the same manner and frequency that a consumer would use it when cleaning their house, your exposure should be the same as the consumer's, you are exempt. A janitor using a household cleaner, such as bleach, throughout the day, is not considered to be a consumer, and is not exempt.

- Manufactured items that remain intact are exempt from this rule.
- Manufactured items that are fluids or in the form of particles are not exempt from this rule.

The following are examples:

Item	Covered by this rule	Not covered by this rule
Brick	Sawed or cut in half	Used whole or intact
Pipe	Cut by a torch	Bent with a tube bender
Nylon Rope	Burning the ends	Tying a knot

- ((Note:)) Reference:**
- If you produce, import, distribute and/or repackage chemicals, or choose not to rely on labels or material safety data sheets provided by the manufacturer or importer, you must comply with chemical hazard communication for manufacturers, importers and distributors, WAC 296-62-054.
 - You may withhold trade secret information under certain circumstances. See trade secrets, WAC 296-62-053, to find out what information may be withheld as a trade secret and what information must be released.

Your responsibility: To inform and train your employees about the hazards of chemicals they may be exposed to during normal working conditions, or in foreseeable emergencies by:

- Making a list of the hazardous chemicals present in your workplace
- Preparing a written Chemical Hazard Communication Program for your workplace
- Informing your employees about this rule and your program
- Providing training to your employees about working in the presence of hazardous chemicals
- Getting and keeping the material safety data sheets (MSDSs) for the hazardous chemicals
- Making sure that labels on containers of hazardous chemicals are in place and easy to read

You must:

Develop, implement, maintain, and make available a written Chemical Hazard Communication Program.

WAC 296-800-17005.

Identify and list all the hazardous chemicals present in your workplace.

WAC 296-800-17010.

Obtain and maintain material safety data sheets (MSDS) for each hazardous chemical used.

WAC 296-800-17015.

Make sure that material safety data sheets (MSDS) are readily accessible to your employees.

WAC 296-800-17020.

Label containers holding hazardous chemicals.

PERMANENT

WAC 296-800-17025.

Inform and train your employees about hazardous chemicals in your workplace.

WAC 296-800-17030.

Follow these rules for laboratories using hazardous chemicals.

WAC 296-800-17035.

Follow these rules for handling chemicals in factory sealed containers.

WAC 296-800-17040.

The department must:

Translate certain chemical hazard communication documents upon request.

WAC 296-800-17045.

Attempt to obtain a material safety data sheet (MSDS) upon request.

WAC 296-800-17050.

Exemption:

Items or chemicals exempt from the rule, and exemptions from labeling.

WAC 296-800-17055.

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

WAC 296-800-17020 Make sure material safety data sheets (MSDSs) are readily accessible to your employees. You must:

- Make sure that MSDSs are readily accessible, easily obtained without delay during each work shift by employees when they are in their work area(s).

~~((Make sure that employees can immediately obtain the required MSDS information in an emergency.~~

~~—Where employees must travel between workplaces during a work shift, such as when their work is carried out at more than one geographical location, the MSDSs may be kept at a central location at the primary workplace facility.~~

~~—This can be done by means such as voice communication or laptop computer.)~~

- Make sure that employees, who must travel between workplaces during a work shift, such as when their work is carried out at more than one geographical location, can immediately obtain the required MSDS information in an emergency. (MSDSs may be kept at a central location at the primary workplace facility and accessed by means such as voice communication or laptop computer.)

Note: • Electronic access (such as computer or fax), microfiche, and other alternatives to maintaining paper copies of the MSDSs are permitted as long as they do not create barriers to immediate employee access in each workplace.

- Barriers to immediate access of electronic MSDSs may include:

- Power outages
- Equipment failure
- System delays
- Deficient user knowledge to operate equipment
- Location of equipment outside the work area.

Solutions to eliminating these and other possible barriers to access may require the availability of back-up systems, employee training, and providing access equipment in the work areas.

- MSDSs must also be made readily available, upon request, to the department in accordance with the requirements of material safety data sheets (MSDSs) as exposure records, WAC 296-800-180. NIOSH (National Institute for Occupational Safety and Health) must also be given access to MSDSs in the same manner.

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

WAC 296-800-17025 Label containers holding hazardous chemicals.

Exemptions: • The following is a summary of items that are exempt from this rule:

- Pesticides, when labeled as required by the Environmental Protection Agency (EPA).
- Food, food additives, color additives, drugs, cosmetics, or medical/veterinary devices or products.
- Alcoholic beverages not intended for industrial use.
- Consumer products labeled as required by the Consumer Product Safety Commission.
- Agriculture or vegetable seeds treated and labeled as required by the Federal Seed Act.

For complete information about each of these, see WAC 296-800-17055.

Note: You are not required to label portable containers into which hazardous chemicals are transferred from labeled containers, if the chemical is used and controlled by the same employee who performed the transfer within the same shift.

You must:

- Make sure that each container of hazardous chemicals in the workplace is labeled, tagged, or marked with the following information:

- The identity of the hazardous chemical(s) using either the chemical or common name.

- Appropriate hazard warnings which give general information about the relevant health and physical hazards of the chemicals. This includes health effects information, such as information about organs most likely to be affected by the chemicals.

- For individual stationary process containers, you may use alternate labeling methods such as:

- ◆ Signs
- ◆ Placards
- ◆ Process sheets
- ◆ Batch tickets
- ◆ Operating procedures or
- ◆ Other such written materials,

as long as the alternate method identifies the containers and conveys the required label information.

Note: • You do not need to put on new labels if existing labels already provide the required information.

- You are not required to list each component in a hazardous mixture on the label. If a mixture is referred to on ~~((a material safety data sheet))~~ an MSDS((s)) by a product name, then the product name should be used as the identifier.

- You may use words, pictures, symbols, or any combination of these, to communicate the hazards of the chemical.

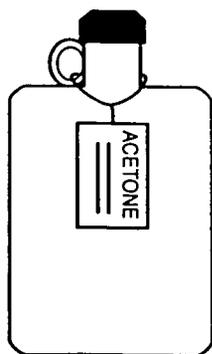
Sample Container Labels



- Be sure to train your employees so they can demonstrate a knowledge of the labeling system you use.
- Some alternative labeling systems do not communicate target organ information, so the employee will have to rely on training provided by the employer to obtain this information.

You must:

• Not remove or deface existing labels on incoming containers of hazardous chemicals ~~((such as those marked with the United States Department of Transportation (USDOT) markings, placards and labels;))~~ unless the container is immediately labeled with the required information. ~~((You do not need to put on new labels if existing labels already provide the required information. If the package or container is sufficiently cleaned of residue and purged of vapors to remove any potential health or physical hazard, existing labels can be removed.))~~



~~((Above))~~ This is an example of a labeled container. You may use a laminated or coated label, affixed to the container with a wire, to avoid deterioration of labels due to a solvent, such as acetone.

You must:

• Make sure that labels or other forms of warning are legible, in English, and prominently displayed on the container, or readily available in the work area throughout each work shift.

Note: Employers with non-English speaking employees may use other languages in the warning information in addition to the English language.

• Make sure if the hazardous chemical is regulated by WISHA or OSHA in a substance-specific health rule, that the labels or other warnings are used according to those rules.

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

WAC 296-800-17030 Inform and train your employees about hazardous chemicals in your workplace. You must:

• Provide employees with effective information on hazardous chemicals in their work area at the time of their initial job assignment. Whenever a new physical or health hazard related to chemical exposure is introduced into their employees' work areas, information must be provided.

– Inform employees of:

- ◆ The requirements of this rule
- ◆ Any operations in their work area where hazardous chemicals are present

◆ The location and availability of your written Chemical Hazard Communication Program, including the list(s) of hazardous chemicals and material safety data sheets (MSDSs) required by this rule.

• Provide employees with effective training about hazardous chemicals in their work area at the time of their initial job assignment. Whenever a new physical or health hazard related to chemical exposure is introduced, the employees must be trained.

– Make sure employee training includes:

– Methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area. Examples of these methods and observations may include:

- ◆ Monitoring conducted by you
- ◆ Continuous monitoring devices
- ◆ Visual appearance or odor of hazardous chemicals when being released

((◆)) = Physical and health hazards of the chemicals in the work area, including the likely physical symptoms or effects of overexposure

((◆)) = Steps employees can take to protect themselves from the chemical hazards in your workplace, including specific procedures implemented by you to protect employees from exposure to hazardous chemicals. Specific procedures may include:

- ((■)) ◆ Appropriate work practices
- ((■)) ◆ Engineering controls
- ((■)) ◆ Emergency procedures
- ((■)) ◆ Personal protective equipment to be used
- ((■)) = Details of the chemical hazard communication program developed by you, including an explanation of the labeling system and the MSDS, and how employees can obtain and use the appropriate hazard information.

• Tailor information and training to the types of hazards to which employees will be exposed. The information and training may be designed to cover categories of hazards, such as flammability or cancer-causing potential, or it may address specific chemicals. Chemical-specific information must always be available through labels and MSDSs

• Make reasonable efforts to post notices in your employees' native languages (as provided by the department) if those employees have trouble communicating in English.

Note: • Interactive computer-based training or training videos can be used provided they are effective.

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• Your MSDSs may not have WISHA permissible exposure limits (PELs) listed. In some cases, WISHA PELs are stricter than the OSHA PELs and other exposure limits listed on the MSDSs you receive. If this is the case, you must refer to the WISHA PEL table, WAC 296-62-075, for the appropriate exposure limits to be covered during training.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-800-18010 Inform current employees of exposure records. You must:

• Inform current employees who are, or will be exposed to a toxic (~~(substance or harmful physical agents))~~ chemical of:

Note: A chemical is toxic if:

- The latest printed edition of the National Institute for Occupational Safety and Health (NIOSH) Registry of Toxic Effects of Chemical Substances (RTECS) lists the substance. This may be obtained on-line, CD-ROM, or on a computer tape.
- Testing by or known to the employer has shown positive evidence that the substance is an acute or chronic health hazard.
- A material safety data sheet (MSDS) kept by or known to the employer shows the material may be a hazard to human health.

– The existence, location, and availability of (~~(material safety data sheets (MSDSs))~~) MSDSs(()) or alternative records, and any other records covered by this rule.

– The person responsible for maintaining and providing access to records.

– Exposure records when the employee first enters into employment and then once a year thereafter.

– Existence and their rights of access to these records.

(~~(– Exposure records when the employee first enters into employment and then once a year thereafter.)~~)

Note: Informing employees of the availability of these records may be accomplished by posting, group discussion or by individual notifications.

You must:

• Keep a copy of this rule and make copies available upon request to employees.

• Distribute to employees any informational materials about this rule that are made available to the employer by the department.

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

WAC 296-800-18015 Provide access to exposure records. You must:

• Provide access, whenever requested by an employee or their designated representative, to a relevant exposure record:

– In a reasonable time, place, and manner.

– Within fifteen working days. If the employer cannot meet this requirement, they must inform the requesting party of the reason for the delay and the earliest date the record will be made available.

Note: • Employee means any current, former or transferred worker.

• A relevant exposure record (~~(could be))~~ is an MSDS(s) or (~~(their))~~ its alternative(s);

OR

•) or analysis using MSDSs or their alternative.

You must:

• Make sure (~~(the department))~~ labor and industries has prompt access to any exposure records and related analysis. This must be done without violation of any rights under the Constitution or the Washington Industrial Safety and Health Act that the employer chooses to exercise.

Note: Nothing in this rule is meant to prevent employees and collective bargaining agents from getting access to information beyond that is required by this rule.

You must:

• Make sure that whenever an employee or designated representative requests an initial copy of an exposure record, related analysis or new information added to the record:

– A copy of the record is provided without cost to the employee or their representative or

– The facilities are made available for copying without cost to the employee or their representative or

– The record is loaned to the employee or their representative for a reasonable time to enable a copy to be made.

Note: Whenever a record has been previously provided without cost to an employee or designated representative, and they request additional copies, the employer may charge reasonable, nondiscriminatory administrative costs (e.g., search and copying expenses, but no overhead expenses).

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

WAC 296-800-20005 Post and keep a WISHA poster in your workplace. You must:

• Post it where it can easily be seen by employees and keep it in good condition.

Note: • Other programs within labor and industries may require other workplace posters. These are:

– Job safety and health protection

AND

– Notice to employees—If a job injury occurs

AND

– Your rights as a nonagricultural worker

• You can (~~(order))~~ obtain a free copy of (~~(the WISHA Poster (Form F416-081-000))~~) labor and industries posters from any labor and industries office or by printing it off our website (<http://www.lni.wa.gov/ipub/101-054-000.htm>). You can find the labor and industries office closest to you by:

(~~(– Looking at <http://www.wa.gov/lni/pa/direct.htm> or~~

• ~~Calling 1-800-4BE SAFE (1-800-423-7233) or))~~

• Checking the resource section of this book for regional offices.

OR

– Calling 1-800-4BE SAFE (1-800-423-7233)

OR

– <http://www.lni.wa.gov/wisha/question.htm#contact>.

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

WAC 296-800-23010 Clearly mark the water outlets that are not fit for drinking (nonpotable). You must:

(1) Mark nonpotable water outlets, such as those used for industrial processes or fire fighting, so that no one will use them for:

- Drinking
- Washing themselves, except in emergencies
- Cooking
- Washing food, eating utensils, or clothing.

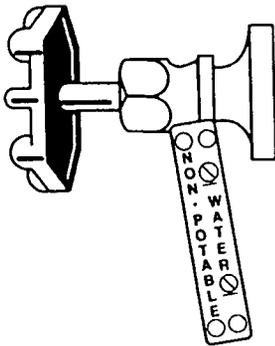
(2) Prohibit the use of nonpotable water containing substances that could create unsafe conditions such as:

- Concentrations of chemicals, for example, lead or chlorine(;))
- Fecal coliform bacteria(, or other substances).

Note: As long as the water does not contain substances that could create unsafe conditions, then nonpotable water can be used for:

- Cleaning work premises that do not involve food preparation or food processing
- Cleaning personal service rooms, such as bathrooms.

Reference: For additional requirements for emergency washing facilities see WAC 296-800-150.



Outlets for water not fit to drink must be marked.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-800-23020 Provide bathrooms for your employees.

- Exemption: You do not have to provide bathrooms ((for)):
- For mobile crews, if the employees ((working there)) have transportation immediately available to nearby bathrooms that meet the requirements of this ((rule)) section.
 - At work locations not normally attended by employees, if they have transportation immediately available to nearby bathrooms meeting the requirements of this ((rule)) section.

You must:

(1) Provide bathrooms with the appropriate number of toilets for your employees at every workplace. ((See)) Use the chart below to determine how many toilets you need at your workplace.

Number of Employees*	Minimum Number of Toilets Required**
1 to 15	1
16 to 35	2
36 to 55	3
56 to 80	4
81 to 110	5
111 to 150	6
Over 150	One additional toilet for each additional 40 employees

- * The "number of employees" used in this table means the maximum number of employees present at any one time on a regular shift.
- ** A shared bathroom (multiple toilets without enclosures) counts as one toilet no matter how many toilets it contains. In bathrooms used only by men, urinals may be substituted for up to one-third of the required toilets.

You must:

- Have the appropriate number of toilets for each ((sex)) gender, based on the number of male and female employees at your workplace. For example, if you have 37 men and 17 women, you need to have three toilets for the men and two toilets for the women, based on the chart ((provided)) in this section.
- Separate bathrooms for men and women are not required if the bathroom:
 - ◆ Will be occupied by no more than one person at a time
 - ◆ Can be locked from the inside
 - ◆ Contains at least one toilet
- Make sure each toilet is in a separate compartment with a door and walls, or partitions to assure privacy.
- (2) Provide toilet paper ((with)) and a toilet paper holder for every toilet.
- (3) Make sure the sewage disposal method does not endanger the health of employees.
- (4) Make sure bathrooms are maintained in a clean and sanitary condition.

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

WAC 296-800-25015 Provide handrails and stair railings.

- Exemption: Vehicle service pit stairways are exempt from the rules for stairway railing and guards, if they would prevent a vehicle from moving into a position over the pit.
- Definition:
 - A handrail is a single bar or pipe on brackets from a wall or partition to provide a continuous handhold for persons using a stair.
 - A stair railing is a vertical barrier attached to a stairway with an open side, to prevent falls. The top surface of the stair railing is used as a handrail.

You must:

- Make sure stairways less than forty-four inches wide have:

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– At least one handrail, preferably on your right side as you go down the stairs, if both sides are enclosed.

OR

– At least one stair railing on the open side, if one side is open.

OR

– One stair railing on each side, if both sides are open.

• Make sure stairways more than forty-four inches wide but less than eighty-eight inches wide have:

– One handrail on each enclosed side.

– One stair railing on each open side.

• Make sure stairways at least eighty-eight inches wide have:

– One handrail on each enclosed side.

– One stair railing on each open side.

– One intermediate stair railing located approximately midway of the width.

• Equip winding stairs with a handrail, offset to prevent walking on all portions of the treads, less than six inches wide.

((Note:)) Reference: Railings must consist of a top rail, intermediate rail, and posts. To see all of the rules for building handrails and stairway railings, refer to WAC ((296-24-75009 and)) 296-24-75011, of the general safety and health standard.

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

WAC 296-800-28040 Make sure electrical equipment is effectively grounded. You must:

• Make sure the path to ground from circuits, equipment, and enclosures is permanent and continuous.

• Make sure equipment connected by cord and plug is grounded under these conditions:

– Equipment with exposed noncurrent carrying metal parts.

– Cord and plug connected equipment which may become energized.

– Equipment that operates at over 150 volts to ground.

– Equipment in hazardous locations. (WAC 296-24-95613)

Exemption: ((Except for)) This does not apply to guarded motors and metal frames of electrically heated appliances, if the appliance frames are permanently and effectively insulated from ground.

You must:

• Ground the following type of equipment:

– Hand-held motor-operated tools

– Refrigerators

– Freezers

– Air conditioners

– Clothes washers and dryers

– Dishwashers

– Electrical aquarium equipment

– Hedge clippers

– Electric lawn mowers

– Electric snow blowers

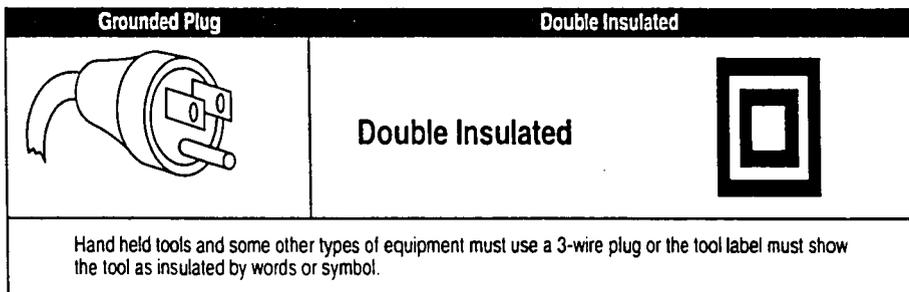
– Wet scrubbers

– Tools likely to be used in damp or wet locations

– Appliances used by employees standing on the ground, on metal floors or working inside of metal tanks or boilers

– Portable hand lamps

Note: Grounding can be achieved by: Using tools and appliances equipped with an equipment grounding conductor (three-prong plug and grounded electrical system).



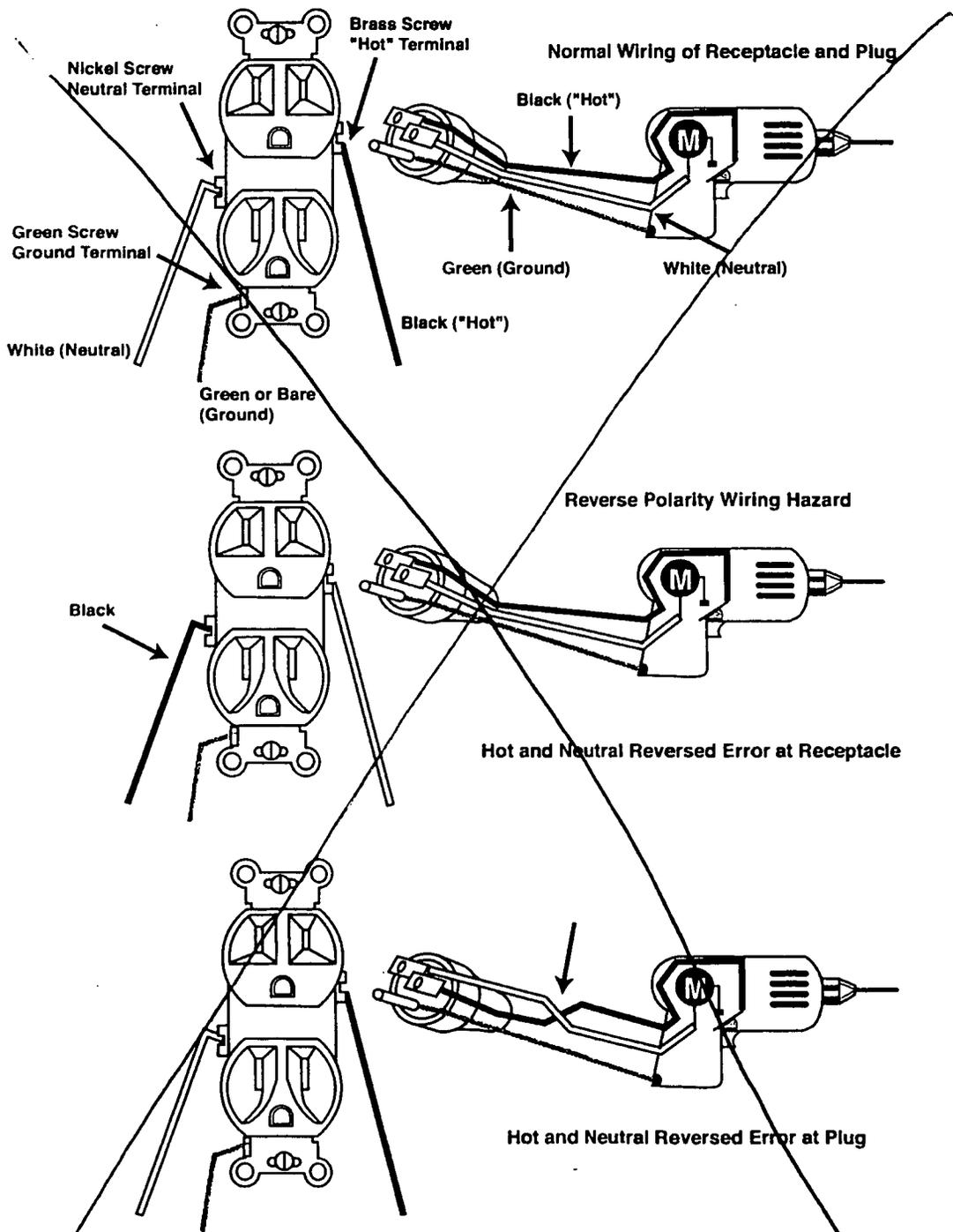
You must:

• Make sure exposed metal parts of fixed equipment that do not conduct electricity, but may become energized, are grounded if the equipment is in a wet or damp location and is not isolated.

• Make sure ground wires are identified and look different than the other conductors (wires).

• Make sure ((ground wires)) grounded conductors are not attached to any terminal or lead to reverse polarity of the electrical outlet or receptacle. See illustration - Examples of wiring.

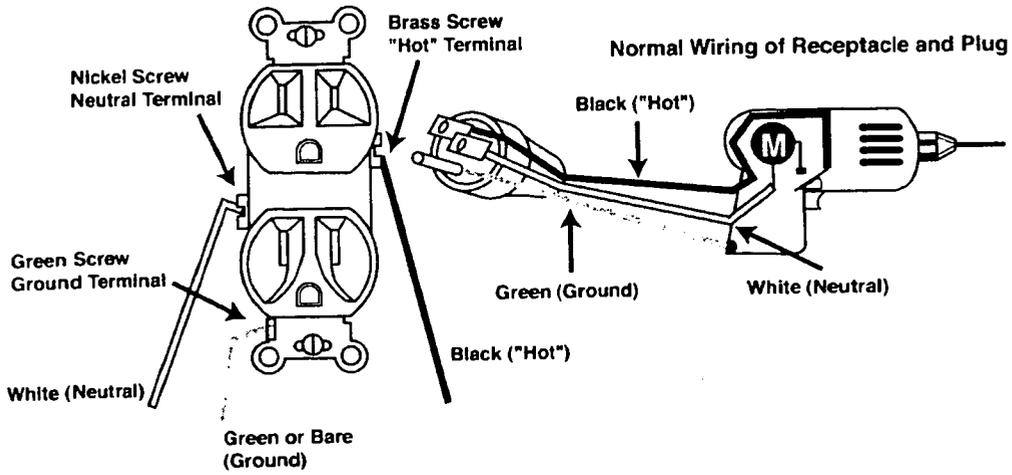
• Make sure grounding terminals or grounding-type devices on receptacles, cords, connectors, or attachments plugs are not used for purposes other than grounding.



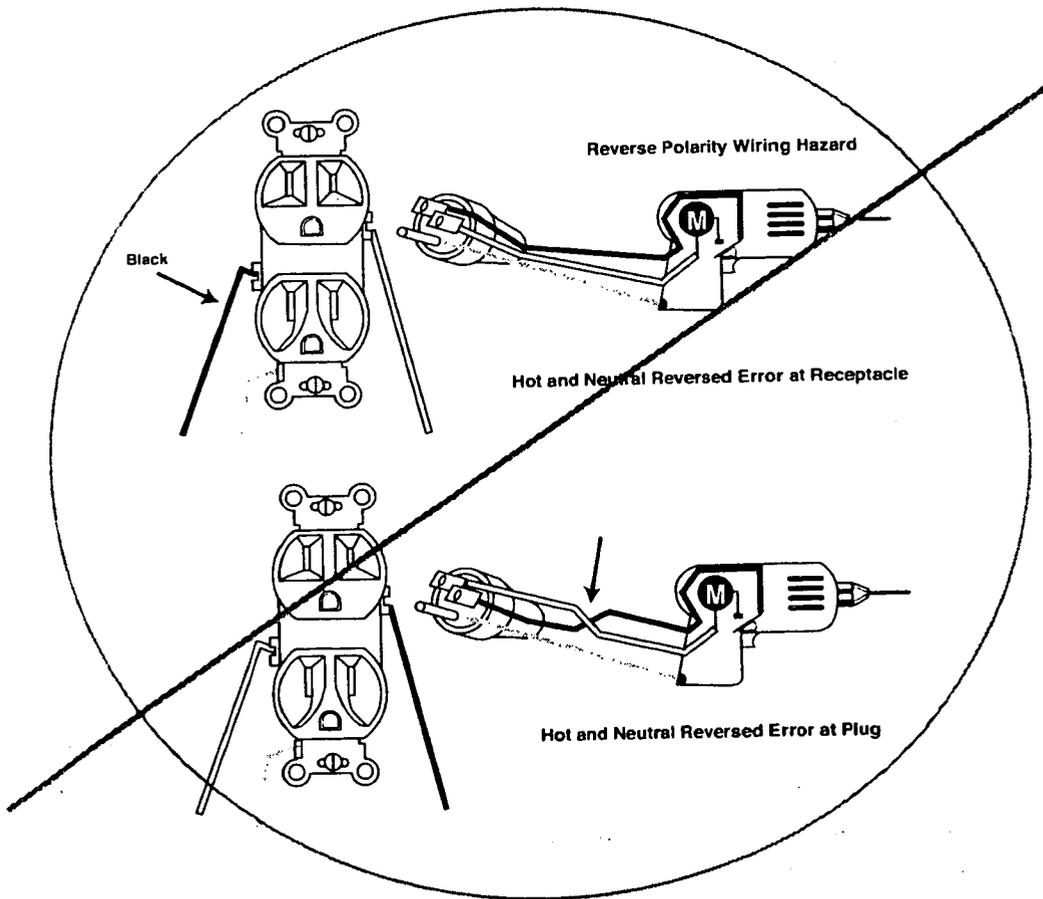
Reverse polarity wiring can cause a faulty tool to start as soon as it is plugged in or not stop when the switch is released. This could cause an injury. An extremely dangerous type of reverse polarity wiring switches the hot and ground wires. This causes the body of the tool or appliance to be "hot". Touching the tool and conductive surface can result in serious or even deadly shock.

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EXAMPLES OF WIRING



CORRECT WIRING



INCORRECT WIRING

PERMANENT

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-800-28045 Make sure electrical equipment has overcurrent protection. You must:

- Make sure all electrical circuits that are rated at 600 volts or less have overcurrent protection.

- Protect conductors and equipment according to their ability to safely conduct electrical current.

- Make sure overcurrent devices do not interrupt the continuity of grounded conductors unless(=

-) all conductors are opened at the same time ((or

- ~~You are using the overcurrent devices to protect from overload when running motors)), except for motor running overload protection.~~

- ((You)) Protect employees from electrical arcing or suddenly moving electrical parts by locating fuses and circuit breakers in safe places. If this is not possible, install shields on fuses and circuit breakers.

- Make sure the following fuses and thermo cutouts have disconnecting mechanisms:

- All cartridge fuses accessible to nonqualified persons

- All fuses on circuits over 150 volts to ground

- All thermal cutouts on circuits over 150 volts to ground(=)

- The disconnecting mechanisms must be installed so you can disconnect the fuses or thermal cutouts without disrupting service to equipment and circuits unrelated to those protected by the overcurrent device.

- Provide easy access to overcurrent devices for each employee or authorized building management personnel.

- Protect the overcurrent devices by locating them away from easily ignitable material.

- They must be placed to avoid exposure to physical damage.

- Make sure circuit breakers:

- Clearly indicate when they are open (off) and closed (on)

- That operate vertically are installed so the handle is in the "up" position when the breaker is closed (on). See WAC 296-24-95603 (2)(c) for more information

- Used as switches in 120-volt, fluorescent lighting circuit must be approved for that purpose and marked "SWD." See WAC 296-24-95603 (2)(c) for more information(=)

- That have arcing or suddenly moving parts, are shielded or located so employees will not get burned or injured by the operation of the circuit breaker.

- ◆ ~~((Fuses must also be shielded in this way))~~ Make sure fuses that have arcing or suddenly moving parts, are shielded or located so employees will not get burned or injured by the operation of the fuses.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-800-32025 Document the preliminary investigation findings. You must:

- Document the preliminary investigation findings for ~~((reference following))~~ use at any formal investigation.

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

WAC 296-800-35030 Base penalty adjustments.

- WISHA may adjust an ~~((employee's))~~ employer's base penalty amount because of the good faith effort, size, and compliance history. No adjustments are made to penalty amounts specified by statute.

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

WAC 296-800-35040 Reasons for increasing civil penalty amounts.

- WISHA may **increase** civil penalties by applying a multiplier to an adjusted base penalty. Multipliers may be applied for the following reasons:

Repeat violations:

A repeat violation occurs when WISHA cites an employer more than once in the last 3 years for a substantially similar hazard.

- The 3-year period is measured from the date of the final order for each previous citation

- The adjusted base penalty will be multiplied by the total number of inspections with violations (including the current inspection with a violation) involving similar hazards

- The maximum penalty cannot exceed \$70,000 for each violation

Willful violations:

A willful violation is a voluntary action done either with an intentional disregard of, or plain indifference to, the requirements of the applicable WISHA rule(s):

- For all willful violations, the adjusted base penalty will be multiplied by 10

- All willful violations will receive at least the statutory minimum penalty of \$5,000

- The maximum penalty cannot exceed \$70,000 for each violation

For example: When management is aware that employees are resistant to following specific WAC rule(s); employee resistance results in imminent danger situation or a serious violation; and management fails to make efforts that are effective in practice to overcome the resistance, then WISHA will presume that the failure constitutes voluntary action.

Egregious violations:

An egregious violation may be issued for exceptionally flagrant cases involving willful violations. In these cases, WISHA will issue a separate penalty for each instance of an employer failing to comply with a particular rule

Failure-to-abate violations:

A failure-to-abate violation occurs when an employer who has been cited for a WISHA violation, fails to correct the violation on time (certifying corrected violations is covered in WAC 296-800-35200 through 296-800-35270)

- The maximum penalty cannot exceed \$7,000 for every day the violation is not corrected
- For a general violation with no initial penalty, the minimum failure-to-abate penalty is \$1,000, with a possible adjustment for the employer's effort to comply
- For violations with an initial penalty, WISHA, based on the facts at the time of reinspection:
 - ◆ Will multiply the adjusted base penalty by 5, but may possibly make adjustments for the employer's effort to comply
 - ◆ May multiply the adjusted base penalty by the number of days past the correction date if the employer does not make an effort to comply.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-800-35056 You can request more time to comply.

- You can request more time to comply if you:
 - Have made a good faith effort to comply with a citation's abatement requirements
 - Have not completed your abatement because of factors beyond your control
- Requests for more time must:
 - Be submitted in writing by you or your representative, and include:
 - The name of your business
 - The address of the workplace(s)
 - Identification of the citation and the abatement date(s) you want extended
 - The new abatement date and length of abatement period you are seeking
 - A description of the actions you have taken to comply with the abatement date(s) in the citation
 - Identification of the factors beyond your control that are preventing you from complying with the abatement date(s)
 - The means you will use to protect your employees during the time you are abating the violation.
 - Be received before midnight of the date you are asking to be extended
 - The department may accept late requests if they are:
 - Received within 5 days following the applicable correction date.
 - Accompanied by your written statement explaining the exceptional circumstances that caused the delay.
- The assistant director may respond to a request received by telephone or personal conversation if the request is timely.

Note: The department does not accept late requests when compliance activity related to the abatement starts before the request is received.

- The department accepts requests by:
 - First class mail postage prepaid. Mailed to:
Department of Labor and Industries
WISHA Appeals
P.O. Box 44604
Olympia, WA 98504-4604

- Personal delivery
- Fax: (360) 902-5581

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-800-35076 Employers and employees can request an appeal of a citation and notice.

EMPLOYER REQUESTS

- Any employer cited for a violation of WISHA safety and health rules may appeal a citation or corrective notice.
- Your request must include:
 - Business name, address, telephone number; and the name, address and telephone number of any person representing you.
 - Citation number.
 - What you think is wrong with the citation or corrective notice and any related facts.
 - What you think should be changed, and why.

EMPLOYEE REQUESTS

- Any employee or employee representative who could be affected by a citation or its correction may appeal the abatement date in the citation or corrective notice.
- Your request must include:
 - Your name, address, telephone number, and the name, address and telephone number of any person representing you
 - Citation number
 - What you think is wrong with the abatement date

SUBMITTING APPEAL REQUESTS

- All appeal requests must be in writing and submitted to the department within 15 working days after receiving the citation corrective notice. If you mail your request, the postmark is considered the submission date.
- **All requests must be:**
 - Mailed to:
Department of Labor and Industries
WISHA Appeals
P.O. Box 44604
Olympia, WA 98504-4604
or
 - Faxed to: (360) 902-5581
or
 - Brought to any department service location.

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

WAC 296-800-370 Definitions.

Abatement Action Plans

Refers to your written plans for correcting a WISHA violation.

Abatement date

The date on the citation when you must comply with specific safety and health standards listed on the citation and notice of assessment or the corrective notice of redetermination.

Acceptable

As used in **Electrical**, WAC 296-800-280 means an installation or equipment is acceptable to the director of labor and industries, and approved:

- If it is accepted, or certified, or listed, or labeled, or otherwise determined to be safe by a nationally recognized testing laboratory; or

- With respect to an installation or equipment of a kind which no nationally recognized testing laboratory accepts, certifies, lists, labels, or determines to be safe, if it is inspected or tested by another federal agency, or by a state, municipal, or other local authority responsible for enforcing occupational safety provisions of the National Electrical Code, and found in compliance with the provisions of the National Electrical Code as applied in this section;

OR

- With respect to custom-made equipment or related installations which are designed, fabricated for, and intended for use by a particular customer, if it is determined to be safe for its intended use by its manufacturer on the basis of test data which the employer keeps and makes available for inspection to the director and his/her authorized representatives. Refer to federal regulation 29 CFR 1910.7 for definition of nationally recognized testing laboratory.

Accepted

As used in **Electrical**, WAC 296-800-280 means an installation is accepted if it has been inspected and found by a nationally recognized testing laboratory to conform to specified plans or to procedures of applicable codes.

Access

As used in material safety data sheets (MSDSs) as Exposure Records, WAC 296-800-180 means the right and opportunity to examine and copy exposure records.

Affected employees

As used in WISHA appeals, penalties and other procedural rules, WAC 296-800-350 means employees exposed to hazards identified as violations in a citation.

Analysis using exposure or medical records

- An analysis using exposure records or medical records can be any collection of data or a statistical study. It can be based on either:

- Partial or complete information from individual employee exposure or medical records or
- Information collected from health insurance claim records

- The analysis is not final until it has been:

- Reported to the employer or
- Completed by the person responsible for the analysis

ANSI

This is an acronym for the American National Standards Institute.

Approved means:

- Approved by the director of the department of labor and industries or their authorized representative, or by an organization that is specifically named in a rule, such as Underwriters' Laboratories (UL), Mine Safety and Health Administration (MSHA), or the National Institute for Occupational Safety and Health (NIOSH).

- As used in **Electrical**, WAC 296-800-280 means acceptable to the authority enforcing this section. The authority enforcing this section is the director of labor and industries. The definition of acceptable indicates what is acceptable to the director and therefore approved.

Assistant director

The assistant director for the WISHA services division at the department of labor and industries or his/her designated representative.

ASTM

This is an acronym for American Society for Testing and Materials.

Attachment plug or plug

As used in the basic electrical rules, WAC 296-800-280 means the attachment at the end of a flexible cord or cable that is part of a piece of electrical equipment. When it is inserted into an outlet or receptacle, it connects the conductors supplying electrical power from the outlet to the flexible cable.

Bare conductor

A conductor that does not have any covering or insulation.

Bathroom

A room maintained within or on the premises of any place of employment, containing toilets that flush for use by employees.

Biological agents

Organisms or their by-products.

Board

As used in WISHA appeals, penalties and other procedural rules, WAC 296-800-350 means the board of industrial insurance appeals.

Certification

As used in WISHA appeals, penalties and other procedural rules, WAC 296-800-350 means refers to an employer's written statement describing when and how a citation violation was corrected.

CFR

This is an acronym for Code of Federal Regulations.

Chemical

Any element, chemical compound, or mixture of elements and/or compounds.

Chemical agents (airborne or contact)

A chemical agent is any of the following:

- Airborne chemical agent which is any of the following:
 - Dust - solid particles suspended in air, generated by handling, drilling, crushing, grinding, rapid impact, detonation, or decrepitation of organic or inorganic materials such as rock, ore, metal, coal, wood, grain, etc.

- Fume - solid particles suspended in air, generated by condensation from the gaseous state, generally after volatilization from molten metals, etc., and often accompanied by a chemical reaction such as oxidation.

- Gas - a normally formless fluid that can be changed to the liquid or solid state by the effect of increased pressure or decreased temperature or both.

- Mist - liquid droplets suspended in air, generated by condensation from the gaseous to the liquid state or by break-

ing up a liquid into a dispersed state, such as by splashing, foaming or atomizing.

– Vapor - the gaseous form of a substance that is normally in the solid or liquid state.

• Contact chemical agent which is any of the following:

– Corrosives - substances that in contact with living tissue cause destruction of the tissue by chemical action.

– Irritants - substances that on immediate, prolonged, or repeated contact with normal living tissue will induce a local inflammatory reaction.

– Toxicants - substances that have the inherent capacity to produce personal injury or illness to individuals by absorption through any body surface.

Chemical manufacturer

An employer with a workplace where one or more chemicals are produced for use or distribution.

Chemical name

The scientific designation of a chemical in accordance with one of the following:

- The nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC)
- The Chemical Abstracts Service (CAS) rules of nomenclature
- A name which will clearly identify the chemical for the purpose of conducting a hazard evaluation.

Circuit breaker

• Is a device used to manually open or close a circuit. This device will also open the circuit automatically and without damage to the breaker when a predetermined overcurrent is applied. (600 volts nominal or less)

• Is a switching device capable of making, carrying, and breaking currents under normal circuit conditions, and also making, carrying for a specified time, and breaking currents under specified abnormal circuit conditions, such as those of short circuit. (Over 600 volts nominal)

Citation

Refers to the citation and notice issued to an employer for any violation of WISHA safety and health rules. A citation and notice may be referred to as a citation and notice of assessment but is more commonly referred to as a citation.

Combustible liquid

A combustible liquid has a flashpoint of at least 100°F (37.8°C) and below 200°F (93.3°C). Mixtures with at least 99% of their components having flashpoints of 200°F (93.3°C) or higher are not considered combustible liquids.

Commercial account

As used in Employer Chemical Hazard Communication, WAC 296-800-170 means an arrangement in which a retail distributor sells hazardous chemical(s) to an employer, generally in large quantities over time, and/or at costs that are below the regular retail price.

Common name

As used in Employer Chemical Hazard Communication, WAC 296-800-170 means any designation or identification such as:

- Code name
- Code number
- Trade name

• Brand name

• Generic name used to identify a chemical other than by its chemical name.

Compressed gas

A gas or mixture of gases that, when in a container, has an absolute pressure exceeding:

• 40 psi at 70°F (21.1°C)

OR

• 104 psi at 130°F (54.4°C) regardless of the pressure at 70°F (21.1°C)

Compressed gas can also mean a liquid with a vapor pressure that exceeds 40 psi at 100°F (37.8°C)

Conductor

A wire that transfers electric power.

Container

As used in Employer Chemical Hazard Communication, WAC 296-800-170 means any container, except for pipes or piping systems, that contains a hazardous chemical. It can be any of the following:

- Bag
- Barrel
- Bottle
- Box
- Can
- Cylinder
- Drum
- Reaction vessel
- Storage tank

Correction date

The date by which a violation must be corrected. Final orders or extensions that give additional time to make corrections establish correction dates. A correction date established by an order of the board of industrial insurance appeals remains in effect during any court appeal unless the court suspends the date.

Corrective notice

Refers to a notice changing a citation and is issued by the department after a citation has been appealed.

Corrosive

As used in first aid, WAC 296-800-150, is a substance that causes destruction of living tissue by chemical action, including acids with a pH of 2.5 or below or caustics with a pH of 11.0 or above.

Covered conductor

A conductor that is covered by something else besides electrical insulation.

Damp location

As used in basic electrical rules, WAC 296-800-280 means partially protected areas that are exposed to moderate moisture. Outdoor examples include roofed open porches and marquees. Interior examples include basements and barns.

Department

Those portions of the department of labor and industries responsible for enforcing the Washington Industrial Safety Act (WISHA).

Designated representative

- Any individual or organization to which an employee gives written authorization.
- A recognized or certified collective bargaining agent without regard to written authorization.
- The legal representative of a deceased or legally incapacitated employee.

Director

The director means the director of the department of labor and industries or their designee.

Distributor

As used in Employer Chemical Hazard Communication, WAC 296-800-170 means a business, other than a chemical manufacturer or importer, that supplies hazardous chemicals to other distributors or to employers. See WAC 296-62-054 for requirements dealing with Manufacturers, Distributors and Importers - Hazard Communication.

Documentation

As used in WISHA appeals, penalties and other procedural rules, WAC 296-800-350 means material that you submit to prove that a correction is completed. Documentation includes, but is not limited to, photographs, receipts for materials and/or labor.

Dry location

As used in basic electrical rules, WAC 296-800-280 means areas not normally subjected to damp or wet conditions. Dry locations may become temporarily damp or wet, such as when constructing a building.

Emergency washing facilities

Emergency washing facilities are emergency showers, eyewashes, eye/face washes, hand-held drench hoses, or other similar units.

Electrical outlets

Places on an electric circuit where power is supplied to equipment through receptacles, sockets, and outlets for attachment plugs.

Employee

Based on chapter 49.17 RCW, the term employee and other terms of like meaning, unless the context of the provision containing such term indicates otherwise, means an employee of an employer who is employed in the business of his or her employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is personal labor for an employer under this standard whether by way of manual labor or otherwise.

Employee exposure record

As used in material safety data sheets (MSDSs) as exposure records, WAC 296-800-180 means a record containing any of the following kinds of information:

- Environmental (workplace) monitoring or measuring of a toxic substance or harmful physical agent, including personal, area, grab, wipe, or other form of sampling, as well as related collection and analytical methodologies, calculations, and other background data relevant to interpretation of the results obtained;
- Biological monitoring results which directly assess the absorption of a toxic substance or harmful physical agent by

body systems (e.g., the level of a chemical in the blood, urine, breath, hair, fingernails, etc.) but not including results which assess the biological effect of a substance or agent or which assess an employee's use of alcohol or drugs;

- Material safety data sheets indicating that the material may pose a hazard to human health;

OR

• In the absence of the above, a chemical inventory or any other record which reveals where and when used and the identity (e.g., chemical, common or trade name) of a toxic substance or harmful physical agent.

Employer

Based on chapter 49.17 RCW, an employer is any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees or who contracts with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations: Provided, That any persons, partnership, or business entity not having employees, and who is covered by the Industrial Insurance Act must be considered both an employer and an employee.

Exit

Provides a way of travel out of the workplace.

Exit route

A continuous and unobstructed path of exit travel from any point within a workplace to safety outside.

Explosive

A chemical that causes a sudden, almost instant release of pressure, gas, and heat when exposed to a sudden shock, pressure, or high temperature.

Exposed live parts

Electrical parts that are:

- Not suitably guarded, isolated, or insulated
- AND
- Capable of being accidentally touched or approached closer than a safe distance.

Exposed wiring methods

Involve working with electrical wires that are attached to surfaces or behind panels designed to allow access to the wires.

Exposure or exposed

As used in employer chemical hazard communication, WAC 296-800-170 and material safety data sheets (MSDSs) as exposure records, WAC 296-800-180. An employee has been, or may have possibly been, subjected to a hazardous chemical, toxic substance or harmful physical agent while working. An employee could have been exposed to hazardous chemicals, toxic substances, or harmful physical agents in any of the following ways:

- Inhalation
- Ingestion
- Skin contact
- Absorption
- Related means.

The terms exposure and exposed only cover workplace exposure involving a toxic substance or harmful physical agent in the workplace different from typical nonoccupational situations in the way it is:

- Used
- Handled
- Stored
- Generated
- Present

Exposure record

See definition for employee exposure record.

Extension ladder

A portable ladder with 2 or more sections and is not self-supporting. The 2 or more sections travel in guides or brackets that let you change the length. The size of a portable ladder is determined by adding together the length of each section.

Failure-to-abate

Any violation(s) resulting from not complying with an abatement date.

Final order

Any of the following (unless an employer or other party files a timely appeal):

- Citation and notice;
- Corrective notice;
- Decision and order from the board of industrial insurance appeals;
- Denial of petition for review from the board of industrial insurance appeals; or
- Decision from a Washington State superior court, court of appeals, or the state supreme court.

Final order date

The date a final order is issued.

First aid

The extent of treatment you would expect from a person trained in basic first aid, using supplies from a first-aid kit.

Tests, such as X rays, must not be confused with treatment.

Flammable

A chemical covered by one of the following categories:

- Aerosol flammable means an aerosol that, when tested by the method described in 16 CFR 1500.45 yields either a flame projection more than 18 inches at full valve opening or a flashback (a flame extending back to the valve) at any degree of valve opening;
 - Gas, flammable means:
 - A gas that, at temperature and pressure of the surrounding area, forms a flammable mixture with air at a concentration of 13% by volume or less or
 - A gas that, at temperature and pressure of the surrounding area, forms a range of flammable mixtures with air wider than 12% by volume, regardless of the lower limit.
 - Liquid, flammable means any liquid having a flashpoint below 100°F (37.8°C), except any mixture having components with flashpoints of 100°F (37.8°C) or higher, the total of which make up 99% or more of the total volume of the mixture.
 - Solid, flammable means a solid, other than a blasting agent or explosive as defined in ((WAC 296-52-417-01)) 29

CFR 1910.109(a), that is likely to cause fire through friction, moisture absorption, spontaneous chemical change, or retained heat from manufacturing or processing, or which can be ignited readily. Solid, inflammable also means that when the substance is ignited, it burns so powerfully and persistently that it creates a serious hazard. A chemical must be considered to be a flammable solid if, when tested by the method described in 16 CFR 1500.44, it ignites and burns with a self-sustained flame at a rate greater than one-tenth of an inch per second along its major axis.

Flashpoint

• The minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite when tested by any of the following measurement methods:

– Tagliabue closed tester: (See American National Standard Method of Test for Flash Point by Tag Closed Tester, Z11.24-1979 (ASTM D 56-79)) for liquids with a viscosity of less than 45 Saybolt Universal Seconds (SUS) at 100°F (37.8°C), that do not contain suspended solids and do not have a tendency to form a surface film under test; or

– Pensky-Martens closed tester: (See American National Standard Method of Test for Flash Point by Pensky-Martens Closed Tester, Z11.7-1979 (ASTM D 93-79)) for liquids with a viscosity equal to or greater than 45 SUS at 100°F (37.8°C), or that contain suspended solids, or that have a tendency to form a surface film under test; or

– Setaflash closed tester: (See American National Standard Method of Test for Flash Point by Setaflash Closed Tester (ASTM D 3278-78).)

Note: Organic peroxides, which undergo auto accelerating thermal decomposition, are excluded from any of the flashpoint measurement methods specified above.

Flexible cords and cables

Typically used to connect electrical equipment to an outlet or receptacle. These cords can have an attachment plug to connect to a power source or can be permanently wired into the power source. Flexible cords, extension cords, cables and electrical cords are all examples of flexible cord.

Floor hole

An opening in any floor, platform, pavement, or yard that measures at least one inch but less than 12 inches at its smallest dimension and through which materials and tools (but not people) can fall.

Examples of floor holes are:

- Belt holes
- Pipe openings
- Slot openings

Floor opening

An opening in any floor, platform, pavement, or yard that measures at least 12 inches in its smallest dimension and through which a person can fall.

Examples of floor openings are:

- Hatchways
- Stair or ladder openings
- Pits
- Large manholes

The following are NOT considered floor openings:

- Openings occupied by elevators

- Dumbwaiters
- Conveyors
- Machinery
- Containers

Foreseeable emergency

As used in Employer Chemical Hazard Communication, WAC 296-800-170 means any potential event that could result in an uncontrolled release of a hazardous chemical into the workplace. Examples of foreseeable emergencies include equipment failure, rupture of containers, or failure of control equipment.

Ground

As used in Electrical, WAC 296-800-280, a connection between an electrical circuit or equipment and the earth or other conducting body besides the earth. This connection can be intentional or accidental.

Grounded

A connection has been made between an electrical circuit or equipment and the earth or another conducting body besides the earth.

Grounded conductor

A system or circuit conductor that is intentionally grounded.

Ground-fault circuit-interrupter

A device whose function is to interrupt the electric circuit to the load when a fault current to ground exceeds some predetermined value that is less than that required to operate the overcurrent protective device of the supply circuit.

Grounding conductor

Is used to connect equipment or the grounded circuit of a wiring system to a grounding electrode or electrodes.

Grounding conductor, equipment

A conductor used to connect noncurrent-carrying metal parts of equipment, raceways, and other enclosures to the system grounded conductor and/or the grounding electrode conductor at the service equipment or at the source of a separately derived system.

Guarded

Covered, shielded, fenced, enclosed, or otherwise protected by means of suitable covers, casings, barriers, rails, screens, mats, or platforms to remove the likelihood of being accidentally touched or approached closer than a safe distance.

Hand-held drench hoses

Hand-held drench hoses are single-headed emergency washing devices connected to a flexible hose that can be used to irrigate and flush the face or other body parts.

Handrail

A single bar or pipe supported on brackets from a wall or partition to provide a continuous handhold for persons using a stair.

Harmful physical agent

Any chemical substance, biological agent (bacteria, virus, fungus, etc.), or physical stress (noise, heat, cold, vibration, repetitive motion, ionizing and nonionizing radiation, hypo- or hyperbaric pressure, etc.) which:

- Is listed in the latest printed edition of the National Institute for Occupational Safety and Health (NIOSH) *Regis-*

try of Toxic Effects of Chemical Substances (RTECS) (see Appendix B); or

- Has shown positive evidence of an acute or chronic health hazard in testing conducted by, or known to, the employer;

OR

- Is the subject of a material safety data sheet kept by or known to the employer showing that the material may pose a hazard to human health.

Hazard

Any condition, potential or inherent, which can cause injury, death, or occupational disease.

Hazard warning

As used in Employer Chemical Hazard Communication, WAC 296-800-170 can be a combination of words, pictures, symbols, or combination appearing on a label or other appropriate form of warning which shows the specific physical and health hazard(s), including target organ effects, of the chemical(s) in the container(s).

Note: See definition for physical hazard and health hazard to determine which hazards must be covered.

Hazardous chemical

Any chemical that is a physical or health hazard.

Health hazard

As used in Employer Chemical Hazard Communication, WAC 296-800-170 means any chemical with the potential to cause acute or chronic health effects in exposed employees. The potential must be statistically significant based on evidence from at least one study conducted under established scientific principles. Health hazards include:

- Chemicals which are carcinogens
- Toxic or highly toxic agents
- Reproductive toxins
- Irritants
- Corrosives
- Sensitizers
- Hepatotoxins
- Nephrotoxins
- Neurotoxins
- Agents which act on the hematopoietic system
- Agents which damage the lungs, skin, eyes, or mucous membranes

See WAC 296-62-054 for more definitions and explanations about the scope of health hazards covered by this part.

See WAC 296-62-054 for the criteria used for determining whether or not a chemical is considered hazardous for purposes of this rule.

Hospitalization

To be sent to, to go to, or be admitted to, a hospital or an equivalent medical facility and receive medical treatment beyond first-aid treatment, regardless of the length of stay in the hospital or medical facility.

Identity

As used in Employer Chemical Hazard Communication, WAC 296-800-170 means any chemical or common name listed on the material safety data sheet (MSDS) for the specific chemical. Each identity used must allow cross-references among the:

- Required list of hazardous chemicals
- Chemical label
- MSDSs

Imminent danger violation

Any violation(s) resulting from conditions or practices in any place of employment, which are such that a danger exists which could reasonably be expected to cause death or serious physical harm, immediately or before such danger can be eliminated through the enforcement procedures otherwise provided by the Washington Industrial Safety and Health Act.

Importer

As used in Employer Chemical Hazard Communication, WAC 296-800-170 means the first business within the Customs Territory of the USA that:

- Receives hazardous chemicals produced in other countries

AND

- Supplies them to distributors or employers within the USA

See WAC 296-62-054 for requirements dealing with Manufacturers, Importer and Distributors - Hazard Communication.

Insulated

A conductor has been completely covered by a material that is recognized as electrical insulation and is thick enough based on:

- The amount of voltage involved

AND

- The type of covering material

Interim waiver

An order granted by the department allowing an employer to vary from WISHA requirements until the department decides to grant a permanent or temporary waiver.

Ladder

Consists of 2 side rails joined at regular intervals by crosspieces called steps, rungs, or cleats. These steps are used to climb up or down.

Listed

Equipment is listed if it:

- Is listed in a publication by a nationally recognized laboratory (such as UL, underwriters laboratory) that inspects the production of that type of equipment,

AND

- States the equipment meets nationally recognized standards or has been tested and found safe to use in a specific manner.

Material safety data sheet (MSDS)

Written or printed material that tells you about the chemical(s), what it can do to and how to protect yourself, others, or the environment.

For requirements for developing MSDSs see WAC 296-62-054—Manufacturers, Importers, and Distributors - Hazard Communication.

Medical treatment

Treatment provided by a physician or by registered professional personnel under the standing orders of a physician. Medical treatment does not include first-aid treatment even if provided by a physician or registered professional personnel.

Mixture

As used in Employer Chemical Hazard Communication, WAC 296-800-170, any combination of 2 or more chemicals (if that combination did not result from a chemical reaction).

Movable equipment

As used in WAC 296-800-35052, a hand-held or non-hand-held machine or device;

- That is powered or nonpowered;

AND

- Can be moved within or between worksites

Must

Must means mandatory.

NEMA

These initials stand for National Electrical Manufacturing Association.

NFPA

This is an acronym for National Fire Protection Association.

Nose

The portion of the stair tread that projects over the face of the riser below it.

Occupational Safety and Health Administration (OSHA)

Passed in 1970 by the U.S. Congress, the Occupational Safety and Health Act (OSHA) provides safety on the job for working men and women. OSHA oversees states (such as Washington) that have elected to administer their own safety and health program. OSHA requires WISHA rules to be at least as effective as OSHA rules.

Office work environment

An indoor or enclosed occupied space where clerical work, administration, or business is carried out.

In addition, it includes:

- Other workplace spaces controlled by the employer and used by office workers, such as cafeterias, meeting rooms, and washrooms.

- Office areas of manufacturing and production facilities, not including process areas.

- Office areas of businesses such as food and beverage establishments, agricultural operations, construction, commercial trade, services, etc.

Open riser

A stair step with an air space between treads has an open riser.

Organic peroxide

This is an organic compound containing the bivalent-O-O-structure. It may be considered a structural derivative of hydrogen peroxide if one or both of the hydrogen atoms has been replaced by an organic radical.

Outlet

See definition for electrical outlets.

Oxidizer

A chemical other than a blasting agent or explosive as defined in WAC ((296-52-417)) 296-52-60130 or CFR 1910.109(a), that starts or promotes combustion in other materials, causing fire either of itself or through the release of oxygen or other gases.

Permissible exposure limits (PELs)

PELs are airborne concentrations of substances measured by their concentration in the air no matter what amount is breathed by the employee. The permissible exposure limits (PELs) must include the following four categories:

- Permissible exposure limits - Time-weighted average (PEL-TWA) is the time-weighted average airborne exposure to any 8-hour work shift of a 40-hour work week and must not be exceeded.

- Permissible exposure limits - Short-term exposure limit (PEL-STEL) is the employee's 15-minute time-weighted average exposure which must not be exceeded at any time during a work day unless another time limit is specified in a parenthetical notation below the limit. If another time period is specified, the time-weighted average exposure over that time period must not be exceeded at any time during the working day.

- Permissible exposure limits - Ceiling (PEL-C) is the employee's exposure which must not be exceeded during any part of the workday. If instantaneous monitoring is not feasible, then the ceiling must be assessed as a 15-minute time-weighted average exposure which must not be exceeded at any time over a working day.

- Skin notation is the potential contribution to the overall employee exposure by the cutaneous route including mucous membranes and eye, either by airborne, or more particularly, by direct contact with the substance. These substances are identified as having a skin notation in the OSHA and WISHA PEL tables (29 CFR Part 1910 Subpart Z and WAC 296-62-075, respectively).

Person

Based on chapter 49.17 RCW, one or more individuals, partnerships, associations, corporations, business trusts, legal representatives, or any organized group of persons.

Personal eyewash units

Personal eyewash units are portable, supplementary units that support plumbed units or self-contained units, or both, by delivering immediate flushing for less than fifteen minutes.

Personal service room

Used for activities not directly connected with a business' production or service function such as:

- First-aid
- Medical services
- Dressing
- Showering
- Bathrooms
- Washing
- Eating

Personnel

See the definition for employees.

Physical hazard

As used in Employer Chemical Hazard Communication, WAC 296-800-170 means a chemical that has scientifically valid evidence to show it is one of the following:

- Combustible liquid
- Compressed gas
- Explosive
- Flammable

- Organic peroxide
- Oxidizer
- Pyrophoric
- Unstable (reactive)
- Water reactive

Platform

Platform means an extended step or landing that breaks a continuous run of stairs.

Plug

See definition for attachment plug.

Potable water

Water that you can safely drink. It meets specific safety standards prescribed by the United States Environmental Protection Agency's National Interim Primary Drinking Water Regulations, published in 40 CFR Part 141, and 40 CFR 147.2400.

Predictable and regular basis

Employee functions such as, but not limited to, inspection, service, repair and maintenance which are performed

- at least once every 2 weeks

OR

- 4 man-hours or more during any sequential 4-week period (to calculate man-hours multiply the number of employees by the number of hours during a 4-week period).

Produce

As used in Employer Chemical Hazard Communication, WAC 296-800-170, any one of the following:

- Manufacture
- Process
- Formulate
- Blend
- Extract
- Generate
- Emit
- Repackage

Purchaser

As used in Employer Chemical Hazard Communication, WAC 296-800-170, an employer who buys one or more hazardous chemicals to use in their workplace.

Pyrophoric

A chemical is pyrophoric if it will ignite spontaneously in the air when the temperature is 130°F (54.4°C) or below.

Qualified

A person is qualified if they have one of the following:

- Extensive knowledge, training and experience about the subject matter, work or project

- A recognized degree, certificate, or professional standing

- Successfully demonstrated problem solving skills about the subject, work, or project

Railing or standard railing

A vertical barrier erected along exposed edges of a floor opening, wall opening, ramp, platform, or runway to prevent falls of persons.

Reassume jurisdiction

The department has decided to take back its control over a citation and notice being appealed.

Receptacle or receptacle outlet

As used in basic electrical rules, WAC 296-800-280 means outlets that accept a plug to supply electric power to equipment through a cord or cable.

Record

A record is any item, collection, or grouping of information. Examples include:

- Paper document
- Microfiche
- Microfilm
- X-ray film
- Computer record

Repeat violation

A repeat violation occurs when WISHA cites an employer more than once in the last 3 years for a substantially similar hazard.

Responsible party

As used in employer chemical hazard communication, WAC 296-800-170. Someone who can provide appropriate information about the hazardous chemical and emergency procedures.

Rise

The vertical distance from the top of a tread to the top of the next higher tread.

Riser

The vertical part of the step at the back of a tread that rises to the front of the tread above.

Rungs

Rungs are the cross pieces on ladders that are used to climb up and down the ladder.

Runway

An elevated walkway above the surrounding floor or ground level. Examples of runways are footwalks along shafting or walkways between buildings.

Safety factor

The term safety factor means the ratio of when something will break versus the actual working stress or safe load when it is used.

Serious violation

Serious violation must be deemed to exist in a workplace if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use in such workplace, unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

Should

Should means recommended.

Single ladder

A type of portable ladder with one section.

It is distinguished by all of the following:

- It has one section
- It cannot support itself
- Its length cannot be adjusted

Smoking

A person is smoking if they are:

- Lighting up

- Inhaling
- Exhaling
- Carrying a pipe, cigar or cigarette of any kind that is burning

Specific chemical identity

This term applies to chemical substances. It can mean the:

- Chemical name
- Chemical Abstracts Service (CAS) registry number
- Any other information that reveals the precise chemical designation of the substance.

Stair railing

A vertical barrier attached to a stairway with an open side to prevent falls. The top surface of the stair railing is used as a handrail

Stairs or stairway

A series of steps and landings:

- leading from one level or floor to another,
- leading to platforms, pits, boiler rooms, crossovers, or around machinery, tanks, and other equipment
- Used more or less continuously or routinely by employees, or only occasionally by specific individuals.
- With three or more risers

Standard safeguard

Safety devices that prevent hazards by their attachment to:

- Machinery
- Appliances
- Tools
- Buildings
- Equipment

These safeguards must be constructed of:

- Metal
- Wood
- Other suitable materials

The department makes the final determination about whether a safeguard is sufficient for its use.

Step ladder

A portable ladder with:

- Flat steps
- A hinge at the top allowing the ladder to fold out and support itself
- Its length that cannot be adjusted

Strong irritant

As used in first aid, WAC 296-800-150, is a chemical that is not corrosive, but causes a strong, temporary inflammatory effect on living tissue by chemical action at the site of contact.

Toeboard

A barrier at floor level along exposed edges of a floor opening, wall opening, platform, runway, or ramp, to prevent falls of materials.

Toxic chemical

As used in first aid, WAC 296-800-150, is a chemical that produces serious injury or illness when absorbed through any body surface.

Toxic substance

- Any:
- Chemical substance

- Biological agent (such as bacteria, virus, or fungus)
- Physical stress (such as noise, vibration, or repetitive motion)

A substance is toxic if:

• The latest printed edition of the National Institute for Occupational Safety and Health (NIOSH) *Registry of Toxic Effects of Chemical Substances* (RTECS) lists the substance

• Testing by or known to the employer has shown positive evidence that the substance is an acute or chronic health hazard

• A material safety data sheet kept by or known to the employer shows the material may be a hazard to human health

Trade secret

Any confidential:

- Formula
- Pattern
- Process
- Device
- Information
- Collection of information

The trade secret is used in an employer's business and gives an opportunity to gain an advantage over competitors who do not know or use it.

See WAC 296-62-053 for requirements dealing with trade secrets.

Tread

As used in stairs and stair railings, WAC 296-800-250 means the horizontal part of the stair step.

Tread run

As used in stairs and stair railings, WAC 296-800-250 means the distance from the front of one stair tread to the front of an adjacent tread.

Tread width

The distance from front to rear of the same tread including the nose, if used.

UL (Underwriters' Laboratories, Inc.)

You will find these initials on electrical cords and equipment. The initials mean the cord or equipment meets the standards set by the Underwriters' Laboratories, Inc.

Unstable (reactive)

As used in employer chemical hazard communication, WAC 296-800-170. An unstable or reactive chemical is one that in its pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shocks, pressure or temperature.

Use

As used in employer chemical hazard communication, WAC 296-800-170, means to:

- Package
- Handle
- React
- Emit
- Extract
- Generate as a by-product
- Transfer

Voltage of a circuit

The greatest effective potential difference between any two conductors or between a conductor and ground.

Voltage to ground

The voltage between a conductor and the point or conductor of the grounded circuit. For undergrounded circuits, it is the greatest voltage between the conductor and any other conductor of the circuit.

Voltage, nominal

Nominal voltage is a value assigned to a circuit or system to designate its voltage class (120/240, 480Y/277, 600, etc.). The actual circuit voltage can vary from the value if it is within a range that permits the equipment to continue operating in a satisfactory manner.

WAC

This is an acronym for **Washington Administrative Code**, which are rules developed to address state law.

Water-reactive

As used in Employer Chemical Hazard Communication, WAC 296-800-170, a water-reactive chemical reacts with water to release a gas that is either flammable or presents a health hazard.

Watertight

Constructed so that moisture will not enter the enclosure or container.

Weatherproof

Constructed or protected so that exposure to the weather will not interfere with successful operation. Rainproof, rain-tight, or watertight equipment can fulfill the requirements for weatherproof where varying weather conditions other than wetness, such as snow, ice, dust, or temperature extremes, are not a factor.

Wet location

As used in basic electrical rules, WAC 296-800-280 means:

- Underground installations or in concrete slabs or masonry that are in direct contact with the earth
- Locations that can be saturated by water or other liquids
- Unprotected locations exposed to the weather (like vehicle washing areas)

WISHA

This is an acronym for the Washington Industrial Safety and Health Act.

Work area

As used in employer chemical hazard communication, WAC 296-800-170, a room or defined space in a workplace where hazardous chemicals are produced or used, and where employees are present.

Working days

Means a calendar day, except Saturdays, Sundays, and legal holidays. Legal holidays include:

- New Year's Day - January 1
- Martin Luther King, Jr. Day
- Presidents' Day
- Memorial Day
- Independence Day - July 4
- Labor Day

- Veterans' Day - November 11
- Thanksgiving Day
- The day after Thanksgiving Day; and
- Christmas Day - December 25

The number of working days must be calculated by not counting the first working day and counting the last working day.

Worker

See the definition for employee.

Workplace

- The term workplace means:

- Any plant, yard, premises, room, or other place where an employee or employees are employed for the performance of labor or service over which the employer has the right of access or control, and includes, but is not limited to, all workplaces covered by industrial insurance under Title 51 RCW, as now or hereafter amended.

- As used in Employer Chemical Hazard Communication, WAC 296-800-170 means an establishment, job site, or project, at one geographical location containing one or more work areas.

You

See definition of employer.

Your representative

Your representative is the person selected to act in your behalf.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-800-13005	Establish a safety committee or have safety meetings.
WAC 296-800-13010	Make sure that each meeting includes a discussion of established safety topics.
WAC 296-800-13015	Make sure that safety committee meeting minutes are recorded and preserved.

WSR 02-16-054
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)

[Filed August 1, 2002, 3:55 p.m.]

Date of Adoption: July 25, 2002.

Purpose: To change the name augmentative communication device (ACD) to speech generating device (SGD) to reflect Medicare terminology and new federal HIPAA (Health Insurance Portability and Accountability Act) definitions; to clarify criteria for covered SGDs; and to bring department policy regarding SGDs into closer alignment with new federal HIPAA regulations.

Citation of Existing Rules Affected by this Order: Amending WAC 388-543-1000, 388-543-1100, 388-543-1300, and 388-543-2200.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.530.

Adopted under notice filed as WSR 01-21-106 on October 23, 2001, and supplemental notice WSR 02-10-115 on April 30, 2002.

Changes Other than Editing from Proposed to Adopted Version: For rules proposed as WSR 01-21-106 and 02-10-115; describing any changes other than editing from proposed version filed as WSR 02-10-115 to adopted version.

The following changes were made as a result of public comments:

WAC 388-543-1000:

"The following definitions and abbreviations and those found in WAC 388-500-0005 apply to this chapter. ~~Defined words and phrases are bolded the first time they are used in the text.~~"

"**Fee-for-service** means the general payment method MAA uses to reimburse for covered medical services provided to clients, except those services covered under MAA's prepaid managed care programs."

"**Limitation extension** means ~~an authorization~~ a process for requesting and approving covered services and reimbursement that to exceeds a coverage limitation (quantity, frequency, or duration) set in WAC, billing instructions, or numbered memoranda. Limitation extensions require prior authorization."

WAC 388-543-1300

"(1) MAA pays only for DME and related supplies, medical supplies and related services that are medically necessary, listed as covered in this chapter, and meet the definition of DME and medical supplies as defined in WAC 388-543-1000 and prescribed per WAC 388-543-1100 and 388-543-1200."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 4, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 4, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 25, 2002

Brian Lindgren, Manager
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 02-17 issue of the Register.

PERMANENT

WSR 02-16-062
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed August 2, 2002, 3:34 p.m., effective October 1, 2002]

Date of Adoption: July 31, 2002.

Purpose: Updating definitions found in WAC 388-150-010, 388-155-010, and 388-151-010 using the clear rule-writing format. WAC 388-150-010, 388-151-010, and 388-155-010 are amended to include definitions of "I," "you" and "your" to mean the licensee or applicant for a child care license; and "we" or "our" to mean the department. Amendments only clarify existing terms without changing the effect of these rules.

Citation of Existing Rules Affected by this Order: Amending WAC 388-150-010, 388-155-010, and 388-151-010.

Statutory Authority for Adoption: Chapter 74.15 RCW, RCW 74.08.090.

Adopted under notice filed as WSR 02-13-071 on June 14, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Effective Date of Rule: October 1, 2002.

July 31, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-24-052, filed 11/25/98, effective 12/26/98)

WAC 388-150-010 Definitions. As used and defined under this chapter:

"Capacity" means the maximum number of children the licensee is authorized to have on the premises at a given time.

"Center" means the same as **"child day care center."**

"Child abuse or neglect" means the injury, sexual abuse, sexual exploitation, or negligent treatment or maltreatment of a child by any person under circumstances indicating the child's health, welfare, and safety is harmed thereby.

"Child day care center" means a facility providing regularly scheduled care for a group of children one month of age through twelve years of age for periods less than twenty-

four hours; except, a program meeting the definition of a family child care home shall not be licensed as a day care center without meeting the requirements of WAC 388-150-020 (5)(a).

"Department" means the state department of social and health services.

"Department of health" means the state department of health.

"I," "you," and "your" refer to and mean the licensee or applicant for a child care license.

"Infant" means a child eleven months of age and under.

"License" means a permit issued by the department authorizing by law the licensee to operate a child day care center and certifying the licensee meets minimum requirements under licensure.

"Licensee" means the person, organization, or legal entity responsible for operating the center.

"Premises" means the building where the center is located and the adjoining grounds over which the licensee has control.

"Preschool age child" means a child thirty months of age through five years of age not enrolled in kindergarten or an elementary school.

"School-age child" means a child five years of age through twelve years of age enrolled in kindergarten or an elementary school.

"Staff" means a child care giver or a group of child care givers employed by the licensee to supervise a child served at the center.

"Toddler" means a child twelve months of age through twenty-nine months of age.

"The Washington state training and registry system (STARS)" means the entity approved by the department to determine the classes, courses, and workshops licensees and staff may take to satisfy training requirements.

"We" or "our" refer to and mean the department of social and health services, including division of child care and early learning licensors.

AMENDATORY SECTION (Amending WSR 01-02-031, filed 12/22/00, effective 1/22/01)

WAC 388-151-010 What definitions are important for the school-age child care center program? The following definitions are important under this chapter:

"Capacity" means the maximum number of children the licensee is authorized to have on the premises at a given time.

"Child abuse or neglect" means the injury, sexual abuse, sexual exploitation, or negligent treatment or maltreatment of a child as defined in RCW 26.44.020 and chapter 388-15 WAC.

"Department" means the state department of social and health services (DSHS), the state agency with the legal authority to regulate and certify school-age child care centers.

"Department of health" means the state department of health.

"I," "you," and "your" refer to and mean the licensee or applicant for child care license.

"License" means a permit issued by the department to a person or organization to operate a school-age child care center and affirming the licensee meets requirements under licensure.

"Licensee" means the person, organization, or legal entity named on the facility license and responsible for operating the center.

"Licensor" means the person employed by the department to regulate and license a school-age child care center.

"Premises" means the building where the center is located and the adjoining grounds over which the licensee has control.

"School-age child" means a child five years of age through twelve years of age enrolled in a public or private school.

"School-age child care center" means a program operating in a facility other than a private residence, accountable for school-age children when school is not in session. The program must meet department licensing requirements, provide adult-supervised care, and a variety of developmentally appropriate activities.

"Staff" means a person or persons employed by the licensee to provide child care and to supervise children served at the center.

"The Washington state training and registry system (STARS)" means the entity approved by the department to determine the classes, courses, and workshops licensees and staff may take to satisfy the department's training requirements.

"We" or "our" refer to and mean the department of social and health services, including division of child care and early learning licensors.

AMENDATORY SECTION (Amending WSR 00-06-040, filed 2/28/00, effective 3/30/00)

WAC 388-155-010 Definitions. As used and defined under this chapter:

"American Indian child" means any unmarried person under the age of eighteen who is:

(1) A member of or eligible for membership in a federally recognized Indian tribe, or who is Eskimo, Aleut or other Alaska Native and a member of an Alaskan native regional Corporation or Alaska Native Village;

(2) Determined or eligible to be found to be Indian by the Secretary of the Interior, including through issuance of a certificate of degree of Indian blood, or by the Indian health service;

(3) Considered to be Indian by a federally recognized or nonfederally recognized Indian tribe; or

(4) A member or entitled to be a member of a Canadian tribe or band, Metis community, or nonstatus Indian community from Canada.

"Assistant" means a child care giver employed by the licensee to supervise a child served at the home.

"Capacity" means the maximum number of children the licensee is authorized to have on the premises at a given time.

"Child" means a person seventeen years of age and under.

"Child abuse or neglect" means the injury, sexual abuse, sexual exploitation, or negligent treatment or maltreatment of a child by a person under circumstances indicating the child's health, welfare, and safety is harmed.

"Department" means the state department of social and health services.

"Department of health" means the state department of health.

"Family abode" means "a single dwelling unit and accessory buildings occupied for living purposes by a family which provides permanent provisions for living, sleeping, eating, cooking, and sanitation."

"Family child care home" means a facility in the family residence of the licensee providing regularly scheduled care for twelve or fewer children, within a birth through eleven-years-of-age range exclusively, for periods less than twenty-four hours unless care in excess of twenty-four hours is necessary due to the nature of the parent's work.

"Family child day care home" means the same as "family child care home" and "a child day care facility, licensed by the state, located in the family abode of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home."

"Family residence" means the same as "family abode."

"Home" means the same as "family child care home."

"I," "you," and "your" refer to and mean the licensee or applicant for a child care license.

"License" means a permit issued by the department authorizing by law the licensee to operate a family child care home and certifying the licensee meets minimum requirements under licensure.

"Licensee" means the person, organization, or legal entity responsible for operating the home.

"Premises" means the buildings where the home is located and the adjoining grounds over which the licensee has control.

"Provider" means the same as "licensee."

"The Washington state training and registry system (STARS)" means the entity approved by the department to determine the classes, courses, and workshops licensees and staff may take to satisfy training requirements.

"We" or "our" refer to and mean the department of social and health services, including division of child care and early learning licensors.

WSR 02-16-068
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Filed August 5, 2002, 11:06 a.m.]

Date of Adoption: August 1, 2002.

Purpose: The proposed changes adjust the licensing fees for residential treatment facilities for psychiatrically impaired children and youth by 3.29%, which is within the limitations of I-601.

Citation of Existing Rules Affected by this Order: Amending WAC 246-323-990.

Statutory Authority for Adoption: RCW 43.70.250.

Adopted under notice filed as WSR 02-13-058 on June 14, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 2, 2002

Mary C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 01-15-091, filed 7/18/01, effective 8/18/01)

WAC 246-323-990 Fees. Residential treatment facilities for psychiatrically impaired children and youth (RTF-CY) licensed under chapter 71.12 RCW shall:

(1) Submit an annual fee of (~~eighty-two~~) eighty-five dollars and (~~seventy~~) forty cents for each bed space within the licensed bed capacity of the RTF-CY;

(2) Include all bed spaces and rooms complying with physical plant and movable equipment requirements of this chapter; and

(3) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

WSR 02-16-069
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-181—Filed August 6, 2002, 8:18 a.m.]

Date of Adoption: August 2, 2002.

Purpose: Adopt continuing residency license criteria.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 02-13-085 on June 18, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 5, 2002

Nancy Burkhart

for Russ Cahill, Chair
Fish and Wildlife Commission

NEW SECTION

WAC 220-20-001 General definitions—Residency.

For purposes of establishing and maintaining residency in order to purchase and use a Washington state resident commercial or recreational hunting or fishing license, a resident license that is issued to a valid resident of Washington state remains valid for the remainder of the licensing year unless that person obtains a resident license in another state. When a person obtains a resident license in another state, the Washington state resident license becomes invalid.

WSR 02-16-070
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-182—Filed August 6, 2002, 8:21 a.m.]

Date of Adoption: August 2, 2002.

Purpose: Amend lands vehicle use permit rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-55-001 and 220-55-100.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 02-13-084 on June 18, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 5, 2002

Nancy Burkhart

for Russ Cahill, Chair

Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 99-02, filed 1/13/99, effective 2/13/99)

WAC 220-55-001 Definitions. Unless otherwise provided, the following definitions apply to this chapter:

(1) "Blind" means no vision or vision with corrective lenses so defective as to prevent the performance of ordinary activities for which eyesight is essential.

(2) "License year" is defined as April 1st through the following March 31st.

(3) "Personal use license" and "recreational license" have the same meaning, and refer to all licenses issued under RCW 77.32.450 through 77.32.490.

(4) "Veteran" means a veteran of the United States Armed Forces.

(5) "Display" of a fish and wildlife lands vehicle use permit means either:

(a) Nontransferable: Affixing the permit to the rear window of the vehicle, in which case the vehicle license number need not be entered on the permit; or

(b) Transferable: Writing, in ink, in the provided space on the permit the license number of the two vehicles between which the permit is to be transferred, and placing the permit in either vehicle in such a place that the permit can be observed and the license number read from outside the vehicle. Placing the permit on the dashboard or hanging it from the rear view mirror complies with the display requirement for a transferrable vehicle use permit.

AMENDATORY SECTION (Amending Order 99-02, filed 1/13/99, effective 2/13/99)

WAC 220-55-100 Fish and wildlife lands vehicle use permit. Recreational license dealers are to issue a fish and wildlife lands vehicle use permit with ~~((each))~~ the first annual recreational or trapping license sold, except for shellfish-seaweed licenses ~~((, and with each trapping license sold))~~. If the fish and wildlife lands vehicle use permit is not issued because the license is voided or canceled, it is to be returned to the department with the department's copy of the license, and is due by the 10th of the month following the sale of the license.

WSR 02-16-071

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed August 6, 2002, 9:28 a.m.]

Date of Adoption: August 1, 2002.

Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Amending WAC 308-96A-046, 308-96A-050, 308-96A-056, 308-96A-057, 308-96A-073, 308-96A-074, and 308-96A-530.

Statutory Authority for Adoption: RCW 46.01.110, 46.16.335, 46.12.070, 46.16.276.

Adopted under notice filed as WSR 02-12-078 on June 4, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 7, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 7, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 1, 2002

Fred Stephens

Director

AMENDATORY SECTION (Amending WSR 00-01-151, filed 12/21/99, effective 1/21/00)

WAC 308-96A-046 Qualified veteran's free license.

(1) **Who qualifies for the free licensing, authorized by RCW 73.04.110 and 46.16.305?**

(a) Disabled American veterans and former prisoners of war, as defined in RCW 73.04.110;

(b) A veteran awarded the Congressional Medal of Honor as defined in RCW 46.16.305; and

(c) Surviving spouses of a deceased former prisoner of war as defined in RCW 73.04.115, who is named as a registered owner, including lessees, may register and receive regular or special license plates for one personal use vehicle. The personal use vehicle is exempt from the annual license tab fee as defined in RCW ~~((46.16.060(1)))~~ 46.16.0621. Other taxes and fees may apply.

(2) **What vehicles are considered personal use vehicles?** For purposes of this section, "personal use vehicle" means passenger vehicles ~~((, motor homes, motoreycles, and trucks rated at less than twelve thousand pounds gross weight. This exemption cannot be applied to vehicles belonging to business.))~~ in reference to disabled veteran's, prisoners

of war and congressional medal of honor plates, means vehicles not used for commercial purposes including: Passenger vehicles, motor homes, motorcycles, and trucks with designated gross vehicle weight not exceeding twelve thousand pounds. Registration ownership must be in the name of the individual and not in the business name.

(3) **Will I be subject to other taxes and fees?** Yes, other taxes and fees may apply depending on the type of license plate requested and where you live.

(4) **What must be provided to qualify for a veteran's free license?** If the applicant is:

(a) A disabled American veteran, ~~((they))~~ must provide a letter of eligibility from the Federal or Washington state veteran's administration or the branch of military service from which the veteran was discharged confirming disability under RCW 73.04.110 with the license plate application.

(b) A former prisoner of war or a veteran awarded the Congressional Medal of Honor must provide a confirmation of eligibility from the Federal or Washington state veteran's administration or the branch of military service from which the veteran was discharged.

(c) The surviving spouse of a deceased former prisoner of war may be issued a regular or special prisoner of war license plate even if the deceased had not been issued a plate under ~~((chapter 73.04))~~ RCW 73.04.115 even if the deceased had not been issued a plate under RCW 73.04.110. In addition to confirming eligibility, the surviving spouse must furnish the following:

(i) A ~~((certified))~~ copy of the death certificate of the deceased former prisoner of war; and

(ii) An affidavit that the applicant is not currently married.

(5) **May I transfer my veteran ~~((free))~~ license plate to another qualifying vehicle?** Yes, you may transfer your veteran ~~((free))~~ license plates ~~((to another vehicle))~~ by notifying the department and paying the appropriate transfer fees in effect.

~~((a) You must notify the department of the transfer and pay the transfer fees in effect; and~~

~~((b) If transferring the license plate to another vehicle, you must display the permanent tab issued by the department.))~~

(6) **If I choose to ~~((retain))~~ keep the vehicle from which the veteran ~~((free))~~ license plate was removed, do I need to register it?** Yes, if you choose to continue to use the vehicle on the highway, the vehicle ~~((shall))~~ must be registered under chapter 46.16 RCW.

(7) **How do I dispose of the veteran ~~((free))~~ license plate if I no longer qualify?** The veteran ~~((free))~~ license plate ~~((no longer in use must be surrendered to a vehicle licensing office or to the department within fifteen days))~~ must be disposed of as required by WAC 308-96A-098.

AMENDATORY SECTION (Amending WSR 00-01-151, filed 12/21/99, effective 1/21/00)

WAC 308-96A-050 Nonresident members of the armed forces—Plates displayed~~((—Vehicle ownership change)).~~ **(1) What license plates must be displayed on a**

vehicle registered to a nonresident military person assigned to duty in Washington? Nonresident military personnel assigned to duty in Washington may display on their vehicle either:

~~((1))~~ (a) License plates issued from their official home of record (state of bona fide residence); or

~~((2))~~ (b) License plates issued from a foreign jurisdiction other than their official home of record until such time as that license registration is expired; or

~~((3))~~ (c) Washington license plates~~((or~~

~~(4) License plates issued by the military commonly referred to as USA registration)).~~

After expiration of registration from a jurisdiction other than Washington you may maintain your registration in your home of record or obtain a Washington registration.

(2) How long may I drive in Washington using my USA or European USA Registration (EUSAR) registration and license plates after the vehicle returns to the United States from a foreign country? Military personnel are to reregister their vehicle within thirty days of return to the United States.

AMENDATORY SECTION (Amending WSR 00-01-151, filed 12/21/99, effective 1/21/00)

WAC 308-96A-056 Pearl Harbor survivor license plates. (1) Who ~~((may))~~ is eligible to receive Pearl Harbor survivor license plates? Pearl Harbor survivor license plates may be issued to qualified applicants as authorized in RCW 46.16.305(4).

(2) **What documentation does a Pearl Harbor survivor or surviving spouse need to submit to obtain Pearl Harbor survivor license plates?** ~~((In addition to))~~

(a) The Pearl Harbor survivor association certification required by RCW 46.16.305 (4)(e)~~((; Pearl Harbor survivors applying for these license plates shall submit:~~

(a) Application for Pearl Harbor survivor license plate; and

(b) An armed forces document showing date of induction and date of honorable discharge from the United States Armed Force; and

(c) Proof of being a resident of this state)).

(b) Surviving spouses must also submit a copy of the death certificate and an affidavit that the spouse is not remarried.

(3) ~~((What documentation does a spouse of a deceased Pearl Harbor survivor need to submit to obtain Pearl Harbor survivor license plates?~~

~~((a) If the deceased Pearl Harbor survivor was the recipient of Pearl Harbor survivor license plates, the surviving spouse shall submit:~~

~~((i) Application for Pearl Harbor survivor license plates;~~

~~((ii) A copy of the Pearl Harbor survivor's death certificate; and~~

~~((iii) An affidavit that the applicant is not currently married.~~

~~((b) If the deceased Pearl Harbor survivor was not the recipient of Pearl Harbor survivor license plates, the surviving spouse shall submit, in addition to the Pearl Harbor survi-~~

~~vor association certification required by RCW 46.16.305 (4)(e):~~

- ~~(i) Application for Pearl Harbor survivor license plates;~~
- ~~(ii) A copy of the Pearl Harbor survivor's death certificate;~~
- ~~(iii) An affidavit that the applicant is not currently married; and~~
- ~~(iv) A copy of the decedent's armed forces document showing date of induction and date of honorable discharge from the United States Armed Forces.~~

~~(4) How does)) May the spouse of a deceased Pearl Harbor survivor ((~~License plate recipient qualify to retain~~)) keep the Pearl Harbor survivor license plates? ((~~To retain the Pearl Harbor survivor license plates issued to the qualifying person, the surviving spouse must:~~~~

~~(a) Be the legally recognized spouse of the qualifying person at the time of the death of the qualifying person and submit:~~

- ~~(i) A copy of the Pearl Harbor survivor recipient's death certificate; and~~
- ~~(ii) An affidavit that the applicant is not currently married;~~
- ~~(b) Be a resident of the state of Washington;~~
- ~~(c) Be an owner, co-owner, lessee, or co-lessee of the vehicle on which the Pearl Harbor survivor special license plate is or will be used; and~~
- ~~(d) Not remarry. If the surviving spouse remarries, the Pearl Harbor survivor special license plate is invalid and must be removed from the vehicle.)) Yes. To keep the Pearl Harbor survivor license plates, the surviving spouse must provide a copy of the Pearl Harbor survivor's death certificate and an affidavit that the spouse is not remarried in addition to the requirements of RCW 46.16.305(4).~~

~~(4) When I am required to replace my Pearl Harbor survivor license plate, will I receive the same license plate number/letter combination? Yes. Upon request you will receive replacement Pearl Harbor survivor license plates with the same number/letter combination as shown on the vehicle computer record.~~

~~(4) When I am required to replace my Pearl Harbor survivor license plate, will I receive the same license plate number/letter combination? Yes. Upon request you will receive replacement Pearl Harbor survivor license plates with the same number/letter combination as shown on the vehicle computer record.~~

~~(4) When I am required to replace my Pearl Harbor survivor license plate, will I receive the same license plate number/letter combination? Yes. Upon request you will receive replacement Pearl Harbor survivor license plates with the same number/letter combination as shown on the vehicle computer record.~~

AMENDATORY SECTION (Amending WSR 00-01-151, filed 12/21/99, effective 1/21/00)

WAC 308-96A-057 Purple Heart license plates. (1) **Under what authority does the department issue Purple Heart license plates?** The department issues ((~~a series of special license plates, called~~)) Purple Heart license plates, under the authority of RCW 46.16.305 as written prior to 1990. Washington state law allowed the department to issue special license plate series denoting the age or type of vehicle or denoting special activities or interest, status, or contribution or sacrifice for the United States, the state of Washington, or citizens of the state of Washington, of a registered owner of that vehicle. The Washington legislature amended the law in 1990 allowing the department to continue issuing special license plates authorized under the law as it was before it was amended.

(2) **Who may receive Purple Heart license plates?** Any Washington resident who:

(a) Has been awarded a Purple Heart medal by any branch of the United States Armed Forces, including the Merchant Marines and the Women's Air Forces Service Pilots;

(b) Was wounded during one of this nation's wars or conflicts identified in RCW 41.04.005; and

(c) Is an owner, co-owner, lessee, or co-lessee of ((~~the~~)) a vehicle ((~~on which the Purple Heart special~~)) requiring two license plates (is or will be used).

(3) **What documentation does a Purple Heart recipient need to submit to obtain Purple Heart license plates?** Purple Heart recipients applying for these license plates ((~~shall~~)) must submit:

(a) An application for Purple Heart license plates; and

(b) ((~~An~~)) A copy of the armed forces document showing the recipient was awarded the Purple Heart medal.

(4) ((~~How does~~)) May the spouse of a deceased Purple Heart recipient ((~~qualify to retain~~)) keep the Purple Heart license plates? Yes. To ((retain)) keep the Purple Heart license plates ((~~issued to the qualifying person,~~)) the surviving spouse must provide:

(a) ((~~Be the legally recognized spouse of the qualifying person at the time of the death of the qualifying person and submit:~~

(i)) A copy of the Purple Heart recipient's death certificate; and

((~~ii~~)) (b) An affidavit that the ((~~applicant is not currently married~~)) spouse has not remarried; and

((~~b~~)) Be a resident of the state of Washington;

(c) Be an owner, co-owner, lessee, or co-lessee of the vehicle on which the Purple Heart special license plate is or will be used; and

(d) Not remarry.)) (c) If the surviving spouse remarries, the Purple Heart special license plate is invalid and must be removed from the vehicle.

(5) **When I am required to replace my Purple Heart license plate, will I receive the same license plate number/letter combination?** Yes. Upon request you will receive replacement Purple Heart license plates with the same number/letter combination as shown on the vehicle computer record.

AMENDATORY SECTION (Amending WSR 01-10-069, filed 4/30/01, effective 5/31/01)

WAC 308-96A-073 Antique vehicle—Horseless carriage license plate. (1) ((~~Who may apply for a horseless carriage license plate?~~

(a) The owner(s) of any motor vehicle which is:

(i) At least forty years old; and

(ii) Capable of being operated upon the highway; and

(iii) Currently registered in Washington; and

(iv) Operated primarily as a collector vehicle may apply to the department for a special horseless carriage license plate to be used in lieu of regular issue license plates.)) **What vehicles qualify for a horseless carriage license plate? Any motor vehicle which is:**

(a) At least forty years old; and

(b) Capable of being operated upon the highway; and

(c) Currently registered in Washington; and

(d) Operated primarily as a collector vehicle under RCW 46.16.307.

(2) **How is a horseless carriage license plate displayed?** The horseless carriage license plate must be displayed on the rear of the vehicle for which it was issued. ~~((The horseless carriage license plate is not transferable to any other motor vehicle, but may stay with that vehicle upon transfer of ownership.))~~

(3) **If I sell my vehicle may I keep my horseless carriage license plate?** Yes. You may keep the license plate but it is not transferrable to any other motor vehicle.

(4) **What additional fees are required to obtain a horseless carriage license plate?** In addition to all other license fees required by law, the applicant must pay an additional license fee of thirty-five dollars for this horseless carriage license plate.

~~((4) Will I ever have to replace my horseless carriage license plates?))~~ (5) **Are horseless carriage license plates subject to periodic replacement?** No, the horseless carriage license plates are exempt from the ~~((seven-year))~~ vehicle license plate replacement schedule.

AMENDATORY SECTION (Amending WSR 01-10-069, filed 4/30/01, effective 5/31/01)

WAC 308-96A-074 Antique vehicle—Collector vehicle license plates. (1) **What is a collector vehicle license plate?** For the purposes of this section a collector vehicle license plate is a special license plate ~~((The plate has Washington printed at the top and the words))~~ indicating "Collector Vehicle" ~~((to the right of the numbers))~~. The smaller size collector vehicle license plate is available for motorcycles ~~((and the))~~. Collector vehicle owners must conform to the rules under RCW 46.16.307.

(2) **What vehicles qualify for a collector vehicle license plate?** Any motor vehicle which is:

(a) ~~((At least))~~ More than thirty years old; and

(b) Capable of being operated upon the highway; and

(c) Currently registered in Washington; and

(d) Operated primarily as a collector vehicle ~~((may be issued a collector vehicle license plate))~~.

(3) **How is a collector vehicle license plate to be displayed?** The collector vehicle license plate must be displayed on the rear of the vehicle for which it was issued. The collector vehicle license plate is not transferable to any other motor vehicle, but may stay with that vehicle upon transfer of ownership.

(4) **What additional fees are required to obtain a collector vehicle license plate?** In addition to all other license fees required by law, the applicant must pay an additional license fee of thirty-five dollars for this collector vehicle license plate.

(5) **Are collector vehicle license plate(s) required to be replaced under RCW 46.16.233?** No, the collector vehicle license plates are exempt from the periodic vehicle license plate replacement schedule.

(6) **What is a "restored license plate"?** A restored license plate is a Washington state issued license plate designated for use in the year of the vehicle's manufacture. The restored license plate may be used instead of a collector vehicle license plate or horseless carriage license plate. The license plate must be restored to such a condition that it may be identified with its year of issue. Reproductions of the original are not acceptable for use as a restored license plate.

~~((This plate must be displayed on the vehicle for which it was issued and may be retained by the owner if the vehicle ownership changes. The owner must display the single plate on the rear of the vehicle. If the vehicle owner has two identical license plates, the second license plate may be displayed on the front of the vehicle.))~~

~~((6))~~ (7) **How is a restored license plate to be displayed?** The owner must display a single plate on the rear of the vehicle. If the vehicle owner has two identical license plates, the second license plate may be displayed on the front of the vehicle or on another vehicle.

(8) **If I sell my vehicle may I keep my restored license plate?** Yes. You may keep the license plate if the vehicle ownership changes; however, it is not transferable to any other motor vehicle.

(9) **May I replace my restored license plate with another restored license plate?** Yes, however, your vehicle record must be updated to reflect the new plate number before it is displayed on the vehicle.

(10) **What additional fees are required to have a restored license plate assigned to my vehicle?** In addition to all other title and license fees required by law, you must pay an additional license fee of thirty-five dollars for the restored plate to be assigned to your vehicle. At the time a restored plate is assigned to a vehicle, the department ~~((may))~~ will require the certificate of ownership be submitted if that vehicle ~~((is))~~ does not already ~~((assigned))~~ have a "title purpose only" number.

~~((7) Will I ever have to replace my collector vehicle license plate? No, the collector vehicle license plates are exempt from the seven-year vehicle license plate replacement schedule.))~~

AMENDATORY SECTION (Amending WSR 00-01-151, filed 12/21/99, effective 1/21/00)

WAC 308-96A-530 Veteran remembrance license plate emblems. (1) **What veteran remembrance license plate emblems are available?** The following veteran remembrance license plate emblems are available:

(a) Veteran remembrance vehicle license plate emblem with the words "U.S. VETERAN" (referred to as veteran emblem);

(b) The United States flag waving on a staff without wording (referred to as the flag emblem); and

(c) Campaign medal emblem authorized in RCW 46.16.319(3).

(2) **Who may purchase veteran remembrance emblems?** Only ~~((registered owners authorized in))~~ persons

qualified under RCW 46.16.319 (2) and (3) may purchase veteran remembrance license plate emblems.

(3) **When I purchase veteran remembrance license plate emblems what will I receive?** In addition to a receipt, you will receive an emblem package including:

- (a) One US veteran emblem;
- (b) One US flag and campaign ribbon emblem; ~~((and))~~ or
- (c) ~~((One campaign ribbon emblem; or~~
- ~~((d)))~~ Two campaign ribbon emblems; or
- ~~((e)))~~ (d) Two US flag emblems.

(4) **How much will I be charged for the veteran remembrance license plate emblem package?** In addition to fees authorized in RCW 46.01.140 (5)(b), a fee of ten dollars is collected for each package.

~~((How shall I affix my veteran remembrance license plate emblems?))~~ **How are the emblems to be displayed on my license plate?** In addition to the requirements and limitations in RCW 46.16.327:

(a) When the VETERAN emblem ~~((shall))~~ is displayed on a license plate, it must be displayed between the bottom license plate bolt holes;

(b) The FLAG emblem ~~((shall))~~ must be displayed to the left of the bottom left license plate bolt hole. When two FLAG emblems are displayed, one is displayed on the outside of each bottom license plate bolt hole. No more than two FLAG emblems may be affixed to any one license plate;

(c) The CAMPAIGN emblem ~~((shall))~~ must be displayed to the right of the bottom right license plate bolt hole. When two CAMPAIGN emblems are displayed, one is displayed on the outside of each bottom license plate bolt hole. No more than two CAMPAIGN emblems may be affixed to any one license plate;

(6) **Do the veteran remembrance emblems on my front license plate have to match the emblems on the rear license plate?** No, emblems displayed on the front license plate do not need to match emblems displayed on the rear license plate.

(7) **May I transfer my veteran remembrance license plate emblems to different vehicles?** Veteran remembrance license plate emblems may be transferred to another vehicle only if they have been affixed to a specialized license plate which may be transferred to other vehicles. Otherwise, the veteran remembrance license plate emblems are transferred to the new owner of the vehicle upon transfer of ownership.

(8) **May I obtain a replacement or additional veteran remembrance license plate emblem package?** Yes. You may ~~((obtain replacement veteran remembrance emblems))~~:

- (a) ~~((For the fee in subsection (4) of this section; or~~
- ~~((b)))~~ For no fee if the original set of emblems purchased has become faded and nonrecognizable.

~~((9))~~ How may any vehicle license plate emblem other than veteran remembrance license plate emblems be displayed on a Washington vehicle license plate? Any vehicle license plate emblem other than veteran remembrance license plate emblems shall be displayed on vehicle license plates only at the bottom of the plate beneath the identification numbers/letters.)) If you choose to purchase an additional set, you will be charged the fee in subsection (4) of this section; or

(b) When the original emblems become faded or unrecognizable, you may obtain a replacement set at no fee; or

(c) When the license plates are replaced as required by the mandatory plate replacement law at no fee.

WSR 02-16-087
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed August 7, 2002, 9:37 a.m., effective October 1, 2002]

Date of Adoption: August 7, 2002.

Purpose: Chapter 296-832 WAC, Late night retail worker crime prevention, changes to chapter 296-24 WAC, General safety and health standards for late night retail workers crime protection. The late night retail workers rule was rewritten and reorganized for clarity and ease of use for employers and employees. We are repealing the late night retail workers rule from chapter 296-24 WAC and adopting it as a new chapter 296-832 WAC. No requirements have been added.

Citation of Existing Rules Affected by this Order: Repealing WAC 296-24-102 Scope and application and 296-24-10203 General requirements.

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060.

Adopted under notice filed as WSR 02-08-080 on April 3, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 6, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 6, Amended 0, Repealed 2.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 6, Amended 0, Repealed 2.

Effective Date of Rule: October 1, 2002.

August 7, 2002
Gary Moore
Director

PERMANENT

Chapter 296-832 WAC

LATE NIGHT RETAIL WORKER CRIME PREVENTION

NEW SECTION

WAC 296-832-100 Scope. This rule applies to all retail businesses operating between the hours of 11:00 p.m. and 6:00 a.m.

Exemption: This chapter does not apply to restaurants, hotels, taverns, and lodging facilities.

NEW SECTION

WAC 296-832-200 Training.

SUMMARY

Your responsibility:

To make sure all employees receive crime prevention training as part of your accident prevention program.

You must:

Provide crime prevention training to your employees

WAC 296-832-20005

Provide crime prevention retraining to your employees annually

WAC 296-832-20010.

NEW SECTION

WAC 296-832-20005 Provide crime prevention training to your employees.

Note: These training requirements apply only to employees working any time during the hours of 11:00 p.m. to 6:00 a.m. This training must be conducted prior to the employee working this time period.

You must:

- Provide crime prevention training as part of your accident prevention program.

- Make sure you have instructed your employees on the purpose and function of robbery and violence prevention to provide them with the knowledge and skills required to maintain their personal safety.

- Provide training and training materials that outline your company's:

- Security policies

- Safety and security procedures

- Personal safety and crime prevention techniques.

- Provide formal instruction about crime prevention through a training seminar or training video presentation that includes these topics:

- How keeping the store clean, neat and uncluttered discourages potential robbers

- Why the cash register should be kept in plain view from outside the store, if your store layout allows

- Reasons for operating your business with only a minimum number of cash registers at night

- Reasons for keeping cash register funds to a minimum

- How to take extra precautions after dark such as ways to keep alert, making sure appropriate lights are on, inspect-

ing dark corners, and identifying possible hiding places for robbers

- Violence prevention procedures in case of a robbery.

- Have employees sign a statement indicating the date, time, and place they received their crime prevention training.

- Keep a record of this information readily available for review when requested by the department of labor and industries.

Note: Employers may keep electronic records of employee training and verification.

- Have a videotape or other materials about crime prevention available to all employees at their request.

NEW SECTION

WAC 296-832-20010 Provide crime prevention retraining to your employees annually.

You must:

- Provide a refresher course in crime prevention training annually.

NEW SECTION

WAC 296-832-300 Store safety.

SUMMARY

Your responsibility:

To take certain safety measures to discourage crime in your store.

You must:

Have a safe in your store

WAC 296-832-30005

Post a notice about your store's safe and cash register

WAC 296-832-30010

Provide outside lighting

WAC 296-832-30015.

NEW SECTION

WAC 296-832-30005 Have a safe in your store.

You must:

- Have a drop-safe, limited access safe, or comparable device in your store.

NEW SECTION

WAC 296-832-30010 Post a notice about your store's safe and cash register.

You must:

- Post a notice in an obvious place on a window or door stating:

- There is a safe in the store

- Employees have no access to the safe

- The cash register contains only enough cash to do business.

Notes: • You will not be cited by WISHA for having money in the cash register over the minimal amount needed to do business.

• All displays and other materials posted in the window(s) or door(s) should be arranged to provide an unobstructed view of the cash register if it is visible from the street.

NEW SECTION

WAC 296-832-30015 Provide outside lighting.

You must:

- Light the store's approach area and parking lot during all night hours your business is open.

Note: You can do this by:

- Providing surveillance lighting to observe pedestrian and vehicle entrances
- Providing lighting of a minimum of one foot candle to comply with ANSI/IES RP7-1983. Lighting levels can be measured with a light meter; for comparison purposes 1 foot-candle = 1 lumen incident per square foot = 10.76 lux.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- | | |
|------------------|------------------------|
| WAC 296-24-102 | Scope and application. |
| WAC 296-24-10203 | General requirements. |

PERMANENT



WSR 02-16-001
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-166—Filed July 24, 2002, 1:25 p.m., effective July 27, 2002, 8:00 a.m.]

Date of Adoption: July 24, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900B; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Recent returns of summer steelhead to the adult trap at Reiter Ponds are such that brood stock needs for the next year's programs will be met. By July 23, three hundred forty adults have been collected and it is anticipated that the full program needs will be met by July 26. The early opening of the closed area will provide additional recreational opportunities. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: July 27, 2002, 8:00 a.m.

July 24, 2002
 J. P. Koenings
 Director
 by Larry Peck

NEW SECTION

WAC 232-28-61900B Exceptions to statewide rules—Skykomish Rearing Ponds (Reiter Ponds) Notwithstanding the provisions of WAC 232-28-619, effective 8:00 a.m. July 27 through July 31, 2002 it is lawful to fish for and possess gamefish in those waters of the Skykomish River in the Skykomish Rearing Ponds (Reiter Ponds) area from 1500 feet upstream to 1000 feet downstream of the ponds outlet.

REPEALER

The following section of the Washington Administrative Code is repealed effective August 1, 2002:

WAC 232-28-61900B Exceptions to statewide rules—Reiter Pond.

WSR 02-16-011
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-168—Filed July 25, 2002, 3:16 p.m., effective July 28, 2002, 9:00 p.m.]

Date of Adoption: July 25, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100F; and amending WAC 220-52-051.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to meet allocation, conservation and management agreements. Openings and closures are consistent with these elements. Spot shrimp quotas in 1B and 1C have been reached in areas closed. A reduced weekly landing limit for spot shrimp is necessary to reduce risk of overharvest, maintain an orderly fishery, provide the ability to enforce state/tribal plan requirements, and to ensure conservation. Areas opened for trawl fisheries are no longer restricted to protect soft shelled crab. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: July 28, 2002, 9:00 p.m.

July 25, 2002
 J. P. Koenings
 Director

NEW SECTION

WAC 220-52-05100G Puget Sound shrimp pot and beam trawl fishery—Seasons & weekly trip limits. Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) Shrimp pot gear:

(a) All waters of Crustacean Management Regions 1B, 1C, 2, 3, and 6 are open to harvest of all shrimp species until further notice, except as provided below:

(i) Effective 9:00 p.m. July 28, 2002, until further notice, it is unlawful to harvest spot shrimp for commercial purposes in Crustacean Management Regions 1B and 1C.

(ii) Effective 12:01 a.m. July 29, 2002, until further notice, it is unlawful to exceed 200 pounds of spot shrimp per week in Marine Fish-Shellfish Catch and Reporting Areas 23A-W and 23B

(iii) Effective immediately until further notice, it is unlawful to harvest shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Area 23A-E.

(iv) Effective immediately, until further notice, it is unlawful to harvest spot shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Areas 23D, 25D and 26D.

(b) It is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 600 pounds per week, or to exceed 300 pounds per week from Crustacean Management Regions 1B, 1C, 2, and 6, except, any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish Catch and Reporting Areas 23C, 29, or the southwestern portion of Marine Fish-Shellfish Catch and Reporting Area 23A-S or any combination of these areas, shall not be subject to the weekly spot shrimp trip limit for that week. The spot shrimp trip limit accounting week is Monday through Sunday. It is unlawful to fish for any shrimp while in possession on board the fishing vessel spot shrimp harvested from the previous trip limit accounting week or weeks.

(c) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity report must be made consistent with the provisions of WAC 220-52-075 and must also include the following additional information.

(i) The number of pots being moved to a new area and the Marine Fish-Shellfish Management and Catch Reporting Area that the pots are being moved to.

(d) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Catch Reporting Area while in possession of shrimp harvested from another Marine Fish-Shellfish Catch Reporting Area except shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 1 (c) above.

(e) For purposes of shrimp pot harvest allocation, fishing season, and catch reporting, that portion of Marine Fish-Shellfish Management and Catch Reporting Area 22A south of a line due east from the international boundary to Lime Kiln Point light on San Juan Island, then south of the shores of San Juan Island, then south of a line from Cattle Point on San Juan Island to Davis Point on Lopez Island, then south of the shores of Lopez Island to Point Colville shall be considered to be part of Marine Fish-Shellfish Management and Catch Reporting Area 23A.

(f) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 23A is divided into three subareas: 23A-E (east) is those waters of Catch Area 23A east of a line projected 122.59° N longitude. 23A-W (west) is those waters of Catch Area 23A east of a line projected 335 degrees true from the Dungeness lighthouse and west of a line projected 122.59°N longitude. 23A-S (south) is those waters of Catch Area 23A west of a line projected 335 degrees true from the Dungeness lighthouse.

(g) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 26A is divided into two subareas: 26A-E (east); those waters of Catch Area 26A north and east of a line projected 110 degrees true from the southern tip of Possession Point on Whidbey Island to the shipwreck on the opposite shore. 26A-W (west); those waters of Catch Area 26A south and west of a line projected 110 degrees true from the southern tip of Possession Point on Whidbey Island to the shipwreck on the opposite shore.

(h) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 26B is divided into two subareas: 26B-1; those waters of Catch Area 26B westerly of a line projected from West Point to Alki Point. 26B-2; those waters easterly of a line projected from West Point to Alki Point.

(2) Shrimp beam trawl gear:

(a) Marine Fish-Shellfish Catch and Reporting Area 20A - open effective 5:00 a.m. August 1, 2002, until further notice.

(b) Crustacean Management Regions 1B and 3 - Open until further notice.

(c) It is unlawful to fish for shrimp in Puget Sound with beam trawl gear in waters shallower than 100 feet.

(d) The following restrictions apply to shrimp trawl harvest in Marine Fish-Shellfish Management and Catch Reporting Area 20A:

(i) Closed in waters east of a line from the southwest corner of Point Roberts to Sandy Point.

(ii) Closed in waters shallower than 20 fathoms.

(e) For purpose of shrimp trawl catch reporting, 23A East is that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, east of a line projected true north from the Dungeness lighthouse. 23A West is that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, west of the line described herein.

(3) It is unlawful to harvest shrimp using shellfish pot or shrimp beam trawl gear from one hour after official sunset to one hour before official sunrise.

(4) It is unlawful to fish for shrimp in Puget Sound with shellfish pot or beam trawl gear in the Discovery Bay Shrimp District, the Port Angeles Shrimp District, the Sequim Bay Shrimp District, the Hood Canal Shrimp District, and the Carr Inlet Shrimp District.

(5) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers. No fisher may land shrimp without immediate delivery to a licensed wholesale dealer or, if transferred at sea, without transfer to a licensed wholesale dealer.

REPEALER

The following section of the Washington Administrative Code is repealed effective 9:00 p.m. July 28, 2002:

WAC 220-52-05100F Puget Sound shrimp pot and beam trawl fishery—Seasons and weekly trip limits. (02-159)

**WSR 02-16-012
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-169—Filed July 25, 2002, 3:19 p.m., effective July 29, 2002, 6:00 a.m.]

Date of Adoption: July 25, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-07100W; and amending WAC 220-52-071.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable amounts of sea cucumbers are available in sea cucumber districts listed. Prohibition of all diving within two days of scheduled sea cucumber openings discourages the practice of fishing on closed days and hiding the unlawful catch underwater until the legal opening. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: July 29, 2002, 6:00 a.m.

July 25, 2002
J. P. Koenings
Director

NEW SECTION

WAC 220-52-07100X Sea cucumbers. Notwithstanding the provisions of WAC 220-52-071, effective immediately until further notice, it is unlawful to take or possess sea cucumbers taken for commercial purposes except as provided for in this section:

(1) Effective 6:00 a.m. July 29, 2002 until further notice, sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber Districts 1, 2, 4 and 5 on Monday, Tuesday and Wednesday of each week from 6:00 a.m. to one-half hour before official sunset of each day.

(2) Effective 6:00 a.m. July 29, 2002, sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber District 3 on Monday July 29, and Tuesday July 30, 2002 from 6:00 a.m. to one-half hour before official sunset of each day, except for closures as provided for in this emergency rule.

(3) The following areas are closed to the harvest of sea cucumbers at all times:

(a) The waters of Eagle Harbor west of a line projected from Wing Point to Eagle Harbor Creosote Light Number 1 then due west to the shore on Bainbridge Island.

(b) The waters of Sinclair Inlet west of a line projected southerly from the easternmost point of Point Turner to landfall below the Veteran's Home in Annapolis.

(4) It is unlawful to dive for any purpose from a commercially-licensed fishing vessel, except vessels actively fishing geoducks under contract with the Washington Department of Natural Resources, on August 3, 4, 10, 11, 17, 18, 24, and 25, 2002.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 a.m. July 29, 2002:

WAC 220-52-07100W Sea cucumbers. (02-140)

EMERGENCY

WSR 02-16-013
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-170—Filed July 25, 2002, 3:21 p.m., effective July 26, 2002,
 12:01 a.m.]

Date of Adoption: July 25, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-24-04000F; and amending WAC 220-24-040.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A harvestable surplus of salmon is available for the troll fleet. These rules are adopted at the recommendation of the Pacific Fisheries Management Council, in accordance with pre-season fishing plans. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: July 26, 2002, 12:01 a.m.

July 25, 2002

J. P. Koenings

Director

Leadbetter Point. Cape Flattery and Columbia River Control Zones closed.

(2) Minimum size for chinook salmon is 28 inches in length. Minimum size for coho is 16 inches in length. No minimum size for pink, sockeye or chum salmon.

(3) Lawful troll gear is restricted to single point, single shank barbless hooks.

(4) No vessel may possess, land or deliver more than 500 chinook for the entire eleven day period.

(5) Fishers must land and deliver their catch within 24 hours of any closure of a fishery provided for in this section, and must land within the Salmon Management and Catch Reporting Areas fished, or within an adjacent Salmon Management and Catch Reporting Area closed to all-citizen troll fishing.

(6) The Cape Flattery Control Zone is defined as the area from Cape Flattery (48°23'00" N latitude) to the northern boundary of the U.S. EEZ: and the area from Cape Flattery south to Cape Alava, 48°10'00" N latitude and west of 125°05'00" W longitude.

(7) Columbia Control Zone - An area at the Columbia River mouth, bounded on the west by a line running north-east/southwest between the red lighted Buoy #4 (46°13'35" N. Lat., 124°06'50" W. long.) and the green lighted Buoy #7 (46°15'09" N. lat., 124°06'16" W. long.); on the east, by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N. lat., 124°03'07" West. long. to its intersection with the north jetty; on the north, by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°14'48" N. lat., 124°05'20" W. long.) and then along the north jetty to the point of intersection with the Buoy #10 line; and, on the south, by a line running northeast/southwest between the red lighted Buoy #4 and tip of the south jetty (46°14'03" N. lat., 124°04'05" W. long.), and then along the south jetty to the point of intersection with the Buoy #10 line.

(8) It is unlawful to fish in Salmon Management and Catch Reporting Areas 1, 2, 3 or 4 with fish on board taken south of Cape Falcon, Oregon, and all fish taken from Salmon Management

and Catch Reporting Areas 1, 2, 3, and 4 must be landed before fishing south of Cape Falcon, Oregon.

(9) It is unlawful for wholesale dealers and trollers retailing their fish to fail to report their landing by 10:00 a.m the day following landing. Ticket information can be telephoned in by calling 1-866-791-1279 or faxing the information to (360) 902-2949 or E-mailing to trollfishtickets@dfw.wa.gov. Report the dealer name, the purchasing location, the date of purchase, the fish ticket numbers, the gear used, the catch area, the species. The total number for each species and the total weight for each species including halibut.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 220-24-04000F All-citizen commercial salmon troll. Notwithstanding the provisions of WAC 220-24-040, effective immediately until further notice is unlawful to fish for salmon with troll gear or to land salmon taken with troll gear into a Washington port except during the seasons provided for in this section:

(1) Salmon Management and Catch Reporting Areas 1, 2, 3 and that portion of Area 4 west of 125°05'00" W longitude and south of 48°23'00" N latitude open July 26 through August 5, 2002. Unlawful to retain coho, except effective August 1 through August 5 it is lawful to possess coho salmon with healed adipose fin clip in Salmon Management and Catch Reporting Area 1. Coho must be landed south of

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 6, 2002:

WAC 220-24-04000F All-citizen commercial salmon troll.

WSR 02-16-019
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-172—Filed July 26, 2002, 3:38 p.m.]

Date of Adoption: July 26, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-44-05000L; and amending WAC 220-44-050.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These rules were adopted by the Pacific Fisheries Management Council, and provide for harvest of available stocks of bottom fish while reserving brood stock for future fisheries. There is insufficient time to promulgate permanent rules and to provide for a fishery.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

July 26, 2002
J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-44-05000M Coastal bottom fish catch limits. Notwithstanding the provisions of WAC 220-44-050, effective immediately until further notice: (1) It is unlawful

to possess, transport through the waters of the state, or land into any Washington port bottom fish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 60A-1, 60A-2, 61, 62, or 63 in excess of the amounts or less than the minimum sizes, or in violation of any gear, handling or landing requirement, established by the Pacific Fisheries Management Council and published in the Federal Register, Volume 67, No. 143, published July 25, 2002. Therefore, persons must consult the federal regulations, which are incorporated by reference and made a part of Chapter 220-44 WAC. Where rules refer to the fishery management area, that area is extended to include Washington State waters coterminous with the Exclusive Economic Zone. A copy of the federal rules may be obtained by contacting Evan Jacoby at (360) 902-2930.

(2) At the time of landing of coastal bottom fish into a Washington port, the fish buyer receiving the fish is required to clearly mark on the fish receiving ticket, in the space reserved for dealer's use, all legally defined trawl gear aboard the vessel at the time of delivery. The three trawl gear types are: midwater trawl, roller trawl and small foot rope trawl (foot rope less than eight inches in diameter). The notation of the gear type(s) aboard the vessel is required prior to the signing of the fish receiving ticket by the vessel representative.

(3) Vessels engaged in chartered research for National Marine Fisheries Service (NMFS) may land and sell bottomfish caught during that research without the catch being counted toward any trip or cumulative limit for the participating vessel. Vessels that have been compensated for research work by NMFS with an Exempted Fishing Permit (EFP) to land fish as payment for such research may land and sell fish authorized under the EFP without the catch being counted toward any trip or cumulative limit for the participating vessel. Any bottomfish landed during authorized NMFS research or under the authority of a compensating EFP for past chartered research work must be reported on a separate fish receiving ticket and not included on any fish receiving ticket reporting bottomfish landed as part of any trip or cumulative limit. Bottomfish landed under the authority of NMFS research work or an EFP compensating research with fish must be clearly marked "NMFS Compensation Trip" on the fish receiving ticket in the space reserved for dealer's use. The NMFS scientist in charge must sign the fish receiving ticket in the area reserved for dealer's use if any bottomfish are landed during authorized NMFS research. If the fish are landed under the authority of an EFP as payment for research work, the EFP number must be listed in the dealer's use space.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-44-05000L Coastal bottomfish catch limits. (02-141)

**WSR 02-16-022
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-171—Filed July 26, 2002, 4:56 p.m., effective August 5, 2002, 12:01 a.m.]

Date of Adoption: July 26, 2002.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900Z; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is necessary to keep the 2002 sport harvest of sturgeon within the harvest guidelines established during the preseason planning process for sturgeon fishery management. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: August 5, 2002, 12:01 a.m.

July 26, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 232-28-61900C Exceptions to statewide rules—Columbia River. Notwithstanding the provisions of WAC 232-28-619:

(1) Effective immediately through September 30, 2002, it is unlawful to retain sturgeon caught in those waters of the Columbia River and tributaries from Bonneville Dam downstream to the mouth.

(2) Effective 12:01 a.m. August 5, 2002 until further notice, it is unlawful to retain sturgeon caught in those waters of the Columbia River and tributaries from Bonneville Dam upstream to the Dalles Dam

(3) Effective immediately until further notice, it is unlawful to retain sturgeon caught in those waters of the Columbia River from the Dalles Dam upstream to John Day Dam.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 5, 2002:

WAC 232-28-61900Z Exceptions to statewide rules—Columbia River. (02-156)

**WSR 02-16-030
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed July 29, 2002, 3:30 p.m.]

Date of Adoption: July 22, 2002.

Purpose: To continue the emergency rule, filed as WSR 02-08-057, that has been in effect since April 1, 2002, while MAA completes the permanent rule-making process which was begun on April 1, 2002, with the filing of a preproposal statement of inquiry (WSR 02-08-056) on April 1, 2002. This will continue our compliance with the April 1, 2002, federal increases in the income and resource standards for the Medicare savings programs.

Citation of Existing Rules Affected by this Order: Amending WAC 388-478-0085.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.575.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The department is required to adopt the federal poverty guidelines updated annually in the Federal Register by the United States Department of Health and Human Services under the authority of Section 673(2) of the Omnibus Budget Reconciliation Act (42 U.S.C. 9902(2)).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

EMERGENCY

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Immediately.

July 22, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-18-056, filed 8/30/01, effective 9/30/01)

WAC 388-478-0085 Medicare (~~cost-sharing~~) savings programs—Monthly income and countable resources standards. (1) The qualified Medicare beneficiary (QMB) program income standard is up to one hundred percent of the Federal Poverty Level (FPL). Beginning April 1, (~~2001~~) 2002, the QMB program's income standards are:

(a) One person	\$((716)) <u>739</u>
(b) Two persons	\$((968)) <u>995</u>

(2) The special low-income Medicare beneficiary (SLMB) program income standard is over one hundred percent of FPL, but under one hundred twenty percent of FPL. Beginning April 1, (~~2001~~) 2002, the SLMB program's income standards are:

	Minimum	Maximum
(a) One person	\$((716.01)) <u>739.01</u>	\$((859)) <u>886</u>
(b) Two persons	\$((968.01)) <u>995.01</u>	\$((1161)) <u>1194</u>

(3) The qualified individual (QI-1) program, formerly known as the expanded special low-income Medicare beneficiary (ESLMB) program income standard is over one hundred twenty percent of FPL, but under one hundred thirty-five percent of FPL. Beginning April 1, (~~2001~~) 2002, the ESLMB program's income standards are:

	Minimum	Maximum
(a) One person	\$((859.01)) <u>886.01</u>	\$((967)) <u>997</u>
(b) Two persons	\$((1161.01)) <u>1194.01</u>	\$((1307)) <u>1344</u>

(4) The qualified disabled working individual (QDWI) program income standard is up to two hundred percent of FPL. Beginning April 1, (~~2001~~) 2002, the QDWI program's income standards are:

(a) One person	\$((1432)) <u>1477</u>
(b) Two persons	\$((1935)) <u>1990</u>

(5) The qualified individual (QI-2) program income standard is over one hundred thirty-five percent of FPL, but under one hundred seventy-five percent of FPL. Beginning

April 1, (~~2001~~) 2002, the QI program's income standards are:

	Minimum	Maximum
(a) One person	\$((967.01)) <u>997.01</u>	\$((1253)) <u>1293</u>
(b) Two persons	\$((1307.01)) <u>1194.01</u>	\$((1694)) <u>1792</u>

(6) The resource standard for the Medicare cost sharing programs in this section is:

(a) One person	\$4000
(b) Two persons	\$6000

**WSR 02-16-044
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-175—Filed July 31, 2002, 3:36 p.m., effective August 12, 2002, 8:00 p.m.]

Date of Adoption: July 31, 2002.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500A; and amending WAC 220-56-325.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is needed to ensure an orderly fishery, manage within court-ordered sharing requirements, and to ensure conservation. The state recreational share of shrimp has been reached in the areas closed under this rule. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

EMERGENCY

Effective Date of Rule: August 12, 2002, 8:00 p.m.

July 31, 2002

J. P. Koenings

Director

by Larry Peck

WSR 02-16-049

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 02-177—Filed August 1, 2002, 1:54 p.m.]

NEW SECTION

WAC 220-56-32500B Shrimp—Areas and seasons. Notwithstanding the provisions of WAC 220-56-325 and WAC 220-56-310:

1) Effective 8:00 p.m. August 12, 2002, until further notice, it is unlawful in those waters of Marine Area 7 north of a line from Biz Point on Fidalgo Island to Cape St Mary on Lopez Island, then north of a line from Davis Point on Lopez Island to Cattle Point on San Juan Island, then north of a line due west from Lime Kiln Point light to the international boundary to:

(a) Retain spot shrimp - all spot shrimp must be returned immediately to the water unharmed.

(b) To set or pull shrimp gear in waters deeper than 200 feet.

2) Effective immediately, until further notice, it is unlawful to harvest or possess shrimp taken for personal use in the Discovery Bay Shrimp District, the Port Angeles Shrimp District, and Marine Area 10.

3) Effective immediately until further notice, it is unlawful to harvest or possess shrimp taken for personal use in those waters of Marine Area 7 south of a line from Biz Point on Fidalgo Island to Cape St Mary on Lopez Island, then south of the shores of Lopez Island to Davis Point, then south of a line from Davis Point to Cattle Point on San Juan Island, then south of the shores of San Juan Island to Lime Kiln Point light, then south of a line due west from Lime Kiln Point light to the international boundary.

4) Effective immediately until further notice, all waters of Marine Areas 8-1, 8-2 and 9 are open Thursday through Sunday to the harvest of shrimp for personal use except:

(a) It is unlawful to possess spot shrimp and all spot shrimp must immediately be returned to the water unharmed.

(b) It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep.

(c) It is unlawful to set or pull shrimp gear in all waters of Port Townsend Bay south and west of a line from Marrowstone Point to Point Wilson (including Kilisut Harbor).

REPEALER

The following section of the Washington Administrative Code is repealed effective 8:00 p.m. August 12, 2002:

WAC 220-56-32500A Shrimp—Areas and seasons.
(02-164)

Date of Adoption: July 31, 2002.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100H; and amending WAC 220-52-051.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to meet allocation, conservation and management agreements. Openings and closures are consistent with these elements. Spot shrimp quotas are projected to be completed in areas closed by this rule. A weekly landing limit for spot shrimp is necessary to reduce risk of overharvest, maintain an orderly fishery, provide the ability to enforce state/tribal plan requirements, and to ensure conservation. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

July 31, 2002

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 220-52-05100H Puget Sound shrimp pot and beam trawl fishery—Seasons & weekly trip limits. Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) Shrimp pot gear:

(a) All waters of Crustacean Management Regions 2, 3, and 6 are open to harvest of all shrimp species until further notice, except as provided below:

(i) Effective immediately, until further notice, it is unlawful to exceed 200 pounds of spot shrimp per week in Crustacean Management Region 2E and Marine Fish-Shellfish Catch and Reporting Areas 23A-W and 23B.

(ii) Effective 9:00 p.m. August 4, 2002, until further notice, it is unlawful to harvest shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Area 23A-W, and it is unlawful to harvest spot shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Area 23B and Crustacean Management Region 2E (described in 1 (e)(f)(i)).

(iii) Effective immediately until further notice, it is unlawful to harvest shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Area 23A-E.

(iv) Effective immediately, until further notice, it is unlawful to harvest spot shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Areas 23D, 25D, and 26D and Crustacean Management Regions 1B and 1C.

(v) Effective 5:00 a.m. August 5, 2002, until further notice, it is lawful to harvest shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Area 23A-E and Crustacean Regions 1A and 1C, except it is unlawful to exceed 100 pounds of spot shrimp per week from 23A-E and 1A, or to exceed 150 lbs per week from 1C.

(b) It is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 600 pounds per week, or to exceed 300 pounds per week from Crustacean Management Regions 2W (described in 1(i)), and 6, except, any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish Catch and Reporting Areas 23C, 29, and 23A-S described in ((1)(e)(f) or any combination of these areas, shall not be subject to the weekly spot shrimp trip limit for that week. The spot shrimp trip limit accounting week is Monday through Sunday. It is unlawful to fish for any shrimp while in possession on board the fishing vessel spot shrimp harvested from the previous trip limit accounting week or weeks.

(c) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity report must be made consistent with the provisions of WAC 220-52-075 and must also include the following additional information.

(i) The number of pots being moved to a new area and the Marine Fish-Shellfish Management and Catch Reporting Area that the pots are being moved to.

(d) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Catch Reporting Area while in possession of shrimp harvested from another Marine Fish-Shellfish Catch Reporting Area except shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 1(c) above.

(e) For purposes of shrimp pot harvest allocation, fishing season, and catch reporting, that portion of Marine Fish-Shellfish Management and Catch Reporting Area 22A south of a line due east from the international boundary to Lime Kiln Point light on San Juan Island, then south of the shores of San Juan Island, then south of a line from Cattle Point on San Juan Island to Davis Point on Lopez Island, then south of the shores of Lopez Island to Point Colville shall be considered to be part of Marine Fish-Shellfish Management and Catch Reporting Area 23A.

(f) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 23A is divided into three subareas: 23A-E (east) is those waters of Catch Area 23A east of a line projected 122.59° N longitude. 23A-W (west) is those waters of Catch Area 23A east of a line projected 335 degrees true from the Dungeness lighthouse and west of a line projected 122.59°N longitude. 23A-S (south) is those waters of Catch Area 23A west of a line projected 335 degrees true from the Dungeness lighthouse.

(g) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 26A is divided into two subareas: 26A-E (east); those waters of Catch Area 26A north and east of a line projected 110 degrees true from the southern tip of Possession Point on Whidbey Island to the shipwreck on the opposite shore. 26A-W (west); those waters of Catch Area 26A south and west of a line projected 110 degrees true from the southern tip of Possession Point on Whidbey Island to the shipwreck on the opposite shore.

(h) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 26B is divided into two subareas: 26B-1; those waters of Catch Area 26B westerly of a line projected from West Point to Alki Point. 26B-2; those waters easterly of a line projected from West Point to Alki Point.

(i) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Crustacean Management Region 2 is divided into two subareas: 2E; those waters of Marine Fish-Shellfish Catch and Reporting Areas 24A, 24B, 24C, 24D, and 26A-E; 2W; those waters of Marine Fish-Shellfish Catch and Reporting Areas 25B, 25D, and 26A-W.

(2) Shrimp beam trawl gear:

(a) Marine Fish-Shellfish Catch and Reporting Area 20A - open effective 5:00 a.m. August 1, 2002, until further notice.

(b) Crustacean Management Regions 1B and 3 - Open until further notice, except as provided below:

(i) Marine Fish-Shellfish Catch and Reporting Area 20B - closed effective 9:00 p.m. August 4, 2002, until further notice.

(c) It is unlawful to fish for shrimp in Puget Sound with beam trawl gear in waters shallower than 100 feet.

(d) The following restrictions apply to shrimp trawl harvest in Marine Fish-Shellfish Management and Catch Reporting Area 20A:

(i) Closed in waters east of a line from the southwest corner of Point Roberts to Sandy Point.

(ii) Closed in waters shallower than 20 fathoms.

(e) For purpose of shrimp trawl catch reporting, 23A East is that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, east of a line projected true north from the Dungeness lighthouse. 23A West is that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, west of the line described herein.

(3) It is unlawful to harvest shrimp using shellfish pot or shrimp beam trawl gear from one hour after official sunset to one hour before official sunrise.

(4) It is unlawful to fish for shrimp in Puget Sound with shellfish pot or beam trawl gear in the Discovery Bay Shrimp District, the Port Angeles Shrimp District, the Sequim Bay Shrimp District, the Hood Canal Shrimp District, and the Carr Inlet Shrimp District.

(5) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers. No fisher may land shrimp without immediate delivery to a licensed wholesale dealer or, if transferred at sea, without transfer to a licensed wholesale dealer.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-05100G Puget Sound shrimp pot and beam trawl fishery—Seasons and Weekly trip limits. (02-168)

**WSR 02-16-050
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-174—Filed August 1, 2002, 1:56 p.m., effective August 16, 2002]

Date of Adoption: August 1, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-36-023.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: There are sufficient numbers of harvestable coho in Grays Harbor Salmon Management and Catch Reporting Areas 2A and 2D as described to allow for a coho directed fishery. The guideline is 2900 coho harvested and a maximum encounter of 245 chinook. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: August 16, 2002.

August 1, 2002

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 220-36-02300B Grays Harbor salmon—Fall fishery. Notwithstanding the provisions of WAC 220-36-023, effective August 16, 2002 until further notice, it is unlawful to fish for salmon in Grays Harbor for commercial purposes, except as provided in this section:

(1) Open Areas: Those waters of Area 2A which include Grays Harbor and the Chehalis River estuary upstream from the Highway 101 Bridge at Aberdeen to a line projected from the Lakeside Industries asphalt plant tower at a right angle to the thread of the stream to the opposite shore.

Those waters of Area 2D which include Grays Harbor lying north and east of a straight line projected true south from the 28th Street boat launch to Renney Island then southerly and easterly to "Range Marker G" located on the south shore of Grays Harbor. Then to the eastern boundary of Area 2D at the Highway 101 Bridge.

(a) Open Fishing periods:

October 8 from 7:00 a.m. through 7:00 p.m.

October 9 from 7:00 a.m. through 7:00 p.m.

(b) Gear:

Gill net gear—It is unlawful to fish for food fish in Grays Harbor for commercial purposes with gill net gear or to possess food fish taken from those waters with gill net gear unless:

(i) Drift gill net gear only. It is unlawful to use set net gear.

(ii) 6-inch maximum mesh, no more than 55 meshes deep. Net must hang straight from top to bottom. Strings may only be used to secure break-away panels.

(c) Species allowed for retention:

Coho and chum salmon and legal sized white and green sturgeon. All Chinook must be released according to the guidelines below (see Miscellaneous Regulations).

(d) Miscellaneous Regulations:

(i) Fishers must notify WDFW no later than 7:00 a.m. October 7, 2002 of their intent to participate in either of these openings. Notification may be made by fax (360-664-0689),

by telephone (1-866-791-1280), or by email (harborfishtickets@dfw.wa.gov).

(ii) Fishers must be willing to take WDFW observers when participating in these openings.

(iii) Soak time shall not exceed 45 minutes. Soak time, defined as the time elapsed from when the first of the gill net web is deployed into the water until the gill net web is fully retrieved from the water, must not exceed 45 minutes.

(iv) Each boat will be required to have two operable recovery boxes or one box with two chambers, on board. Each box shall be operating during any time that the net is being retrieved or picked. The flow in the recovery box will be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute. Each chamber of the recovery box must meet the following dimensions as measured from within the box; the inside length measurement must be at or within 39 1/2 inches to 48 inches, the inside width measurements must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches.

Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of chamber and 1 3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is at least 1 1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to WDFW employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river/bay water into each chamber.

(v) All chinook, non-legal sturgeon, and steelhead must be handled with care to minimize injury to fish and released immediately to the river/bay or to an operating recovery box.

(vi) Any fish that is bleeding or lethargic must be placed in the recovery box prior to being released to the river/bay.

(vii) All fish placed in recovery boxes must be released to the river/bay prior to landing or docking.

(viii) Fishers must maintain a written log, and immediately following each retrieval of the net, record the number of coho, chum and sturgeon by species and the number of chinook (even if none) encountered. Fishers must report their total catch for the day by species and the total number of chinook encountered prior to 10:00 am the following day each daily opening by calling WDFW at 1-866-791-1280.

(2) Open Area

Area 2B

(a) Open Fishing Periods

October 22 from 7:00 a.m. through 6:30 p.m.

October 23 from 7:00 a.m. through 6:30 p.m.

October 29 from 6:30 a.m. through 5:30 p.m.

October 30 from 6:30 a.m. through 5:30 p.m.

(b) Gear

Gill net gear—It is unlawful to fish for food fish in Grays Harbor for commercial purposes with gill net gear or to possess food fish taken from those waters with gill net gear unless:

(i) Drift gill net gear only. It is unlawful to use set net gear.

(ii) 6 1/2-inch maximum mesh.

(c) Species allowed for retention

Salmon and legal sized green and white sturgeon.

(d) Miscellaneous Regulations

Quick Reporting is required for wholesale dealers and fishers selling their catch under a valid retail endorsement, WAC 220-69-240.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 02-16-056

EMERGENCY RULES

**DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-179—Filed August 1, 2002, 4:59 p.m.]

Date of Adoption: August 1, 2002.

Purpose: Amend commercial fishing rules.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Fraser River sockeye salmon fishing openings are regulated by the National Marine Fisheries Service, a federal agency. Quick reporting of sockeye catch is essential for both conservation and allocation reasons, but existing regulatory enactment of the quick reporting requirement is specified in WAC 220-69-240(11) as being designation in the fishery opening order. Since Fraser River openings are managed under federal regulations, there is no provision to designate the fishery as requiring quick reporting to the state department of fish and wildlife. This order will apply quick reporting requirements to any all-citizen Fraser River sockeye opening enacted by National Marine Fisheries Service. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

August 1, 2002
Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 220-47-901 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC and Chapter 220-69 WAC, effective immediately until further notice, quick reporting requirements as listed in WAC 220-69-240(11) are in effect during any designated open fishery for Fraser River sockeye salmon under federal regulations.

**WSR 02-16-063
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-176—Filed August 2, 2002, 4:54 p.m., effective August 4, 2002, 7:00 p.m.]

Date of Adoption: August 2, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000P; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of salmon are available. This season is consistent with the "2002 Non-Indian Columbia River Fall Fishery Chinook Allocation Agreement" that was developed during the North of Falcon process. This rule is consistent with actions of the Columbia River Compact on August 2, 2002, and is included in the biological assessment of ESA listed stocks. The biological opinion covering these fisheries has not been completed however, "...NMFS concludes that impacts associated with the proposed 2002 state and tribal fisheries expected to occur through August 16, 2002 are low and unlikely to substantially affect the prospects for survival of the listed ESUs." (Dygert, July 29, 2002). There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: August 4, 2002, 7:00 p.m.

August 2, 2002

Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 220-33-01000P Columbia River season below Bonneville. Notwithstanding the provisions of WAC 220-33-010, and 220-33-020, it is unlawful for a person to take or possess salmon or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E, except as provided in the following subsections:

1) OPEN AREA: SMCRA 1A, 1B, and 1C upstream to the Longview Bridge

a) SEASON:

7:00 p.m. Sunday, August 4, 2002 to 7:00 a.m. Monday, August 5, 2002

7:00 p.m. Tuesday, August 6, 2002 to 7:00 a.m. Wednesday, August 7, 2002

7:00 p.m. Thursday, August 8, 2002 to 7:00 a.m. Friday, August 9, 2002

b) GEAR:

8 inch minimum mesh and 9-3/4 inch maximum mesh.
Monofilament gear is allowed.

c) SANCTUARIES: Grays River, Elokomina-A.

d) ALLOWABLE SALE: Salmon. Up to 5 white sturgeon may be possessed or sold for each participating vessel per fishing period. Possession or sale of green sturgeon is prohibited.

e) Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

REPEALER

The following section of the Washington Administrative Code is repealed effective 7:01 a.m. August 9, 2002:

WAC 220-33-01000P Columbia River season below Bonneville.

**WSR 02-16-103
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-180—Filed August 7, 2002, 11:59 a.m.]

Date of Adoption: August 6, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-36-02300B; and amending WAC 220-36-023.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Days of fishing are changed to improve opportunity to fishers who participate in multiple regional fisheries and to minimize gear conflict with anticipated tribal fisheries. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

August 6, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-36-02300C Grays Harbor salmon—Fall fishery. Notwithstanding the provisions of WAC 220-36-023, effective August 16, 2002 until further notice, it is unlawful to fish for salmon in Grays Harbor for commercial purposes, except as provided in this section:

(1) Open Areas: Those waters of Area 2A which include Grays Harbor and the Chehalis River estuary upstream from the Highway 101 Bridge at Aberdeen to a line projected from the Lakeside Industries asphalt plant tower at a right angle to the thread of the stream to the opposite shore.

Those waters of Area 2D which include Grays Harbor lying north and east of a straight line projected true south from the 28th Street boat launch to Renney Island then southerly and easterly to "Range Marker G" located on the south shore of Grays Harbor. Then to the eastern boundary of Area 2D at the Highway 101 Bridge.

(a) Open Fishing periods:

October 8 from 7:00 a.m. through 7:00 p.m.

October 9 from 7:00 a.m. through 7:00 p.m.

(b) Gear:

Gill net gear — It is unlawful to fish for food fish in Grays Harbor for commercial purposes with gill net gear or to possess food fish taken from those waters with gill net gear unless:

(i) Drift gill net gear only. It is unlawful to use set net gear.

(ii) 6-inch maximum mesh, no more than 55 meshes deep. Net must hang straight from top to bottom. Strings may only be used to secure break-away panels.

(c) Species allowed for retention:

Coho and chum salmon and legal sized white and green sturgeon. All Chinook must be released according to the guidelines below (see Miscellaneous Regulations).

(d) Miscellaneous Regulations:

(i) Fishers must notify WDFW no later than 7:00 a.m. October 7, 2002 of their intent to participate in either of these openings. Notification may be made by fax (360-664-0689), by telephone (1-866-791-1280), or by email (harborfishtickets@dfw.wa.gov).

(ii) Fishers must be willing to take WDFW observers when participating in these openings.

(iii) Soak time shall not exceed 45 minutes. Soak time, defined as the time elapsed from when the first of the gill net web is deployed into the water until the gill net web is fully retrieved from the water, must not exceed 45 minutes.

(iv) Each boat will be required to have two operable recovery boxes or one box with two chambers, on board. Each box shall be operating during any time that the net is being retrieved or picked. The flow in the recovery box will be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute. Each chamber of the recovery box must meet the following dimensions as measured from within the box; the inside length measurement must be at or within 39 1/2 inches to 48 inches, the inside width measurements must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches. inch and 1 inch in diameter, centered horizontally across the door or wall of chamber and 1 3/4 inches from the floor of the chamber.

Each chamber of the recovery box must include a water outlet hole opposite the inflow that is at least 1 1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to WDFW employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river/bay water into each chamber.

(v) All chinook, non-legal sturgeon, and steelhead must be handled with care to minimize injury to fish and released immediately to the river/bay or to an operating recovery box.

(vi) Any fish that is bleeding or lethargic must be placed in the recovery box prior to being released to the river/bay.

(vii) All fish placed in recovery boxes must be released to the river/bay prior to landing or docking.

(viii) Fishers must maintain a written log, and immediately following each retrieval of the net, record the number of coho, chum and sturgeon by species and the number of chinook (even if none) encountered. Fishers must report their

total catch for the day by species and the total number of chinook encountered prior to 10:00 am the following day each daily opening by calling WDFW at 1-866-791-1280.

(2) Open Area: Area 2B

(a) Open Fishing Periods:

October 24 from 7:00 a.m. through 6:30 p.m.

October 25 from 7:00 a.m. through 6:30 p.m.

October 29 from 6:30 a.m. through 5:30 p.m.

October 30 from 6:30 a.m. through 5:30 p.m.

(b) Gear

Gill net gear — It is unlawful to fish for food fish in Grays Harbor for commercial purposes with gill net gear or to possess food fish taken from those waters with gill net gear unless:

(i) Drift gill net gear only. It is unlawful to use set net gear.

(ii) 6 1/2-inch maximum mesh.

(c) Species allowed for retention

Salmon and legal sized green and white sturgeon.

(d) Miscellaneous Regulations

Quick Reporting is required for wholesale dealers and fishers selling their catch under a valid retail endorsement, WAC 220-69-240.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-36-02300B Grays Harbor salmon—Fall fishery. (02-174)

WSR 02-15-008
RULES OF COURT
STATE SUPREME COURT

[July 2, 2002]

IN THE MATTER OF THE ADOPTION)
OF THE AMENDMENTS TO CrR 4.2(g),) ORDER
CrRLJ 4.2(g), JuCR 7.7 AND NEW FORM) NO. 25700-A-745
FOR CrRLJ 4.2(i))

The Washington Pattern Forms Committee having recommended the adoption of the proposed amendments to CrR 4.2(g), CrRLJ 4.2(g), JuCR 7.7 and new form for CrRLJ 4.2(i) and new form for CrRLJ 4.2(i), and the Court having determined that the proposed amendments will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby ORDERED:

- (a) That the amendments as attached hereto are adopted.
(b) That pursuant to the emergency provisions of GR 9(i), the amendments will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 2nd day of July 2002.

Alexander, C. J.
Smith, J. Ireland, J.
Johnson, J. Bridge, J.
B. Madsen, J. Chambers, J.
Sanders, J. Owens, J.

SUPERIOR COURT OF WASHINGTON
FOR
STATE OF WASHINGTON
Plaintiff
vs.
Defendant.

NO.

STATEMENT OF DEFENDANT ON
PLEA OF GUILTY TO NON-SEX OFFENSE
(STTDFG)

- 1. My true name is:
2. My age is:
3. I went through the grade.
4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:
(a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me.
(b) I am charged with:
The elements are:
5. I UNDERSTAND I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:
(a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;
(b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
(c) The right at trial to hear and question the witnesses who testify against me;
(d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
(e) I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty;
(f) The right to appeal a finding of guilt after a trial.
6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA, I UNDERSTAND THAT:
(a) Each crime with which I am charged carries a maximum sentence, a fine, and a STANDARD SENTENCE RANGE as follows:

MISC.

COUNT NO.	OFFENDER SCORE	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancements*	TOTAL ACTUAL CONFINEMENT (standard range including enhancements)	COMMUNITY CUSTODY RANGE (Only applicable for crimes committed on or after July 1, 2000. For crimes committed prior to July 1, 2000, see paragraph 6(f))	MAXIMUM TERM AND FINE
1						
2						
3						

*(F) Firearm, (D) other deadly weapon, (V) VUCSA in protected zone, (VH) Veh. Hom, See RCW 46.61.520, (JP) Juvenile present

- (b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.
- (c) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.
- (d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.
- (e) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees and the costs of incarceration.
- (f) For crimes committed prior to July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community supervision if the total period of confinement ordered is not more than 12 months. If this crime is a drug offense, assault in the second degree, assault of a child in the second degree, or any crime against a person in which a specific finding was made that I or an accomplice was armed with a deadly weapon, the judge will order me to serve at least one year of community placement. If this crime is a vehicular homicide, vehicular assault, or a serious violent offense, the judge will order me to serve at least two years of community placement. The actual period of community placement, community custody, or community supervision may be as long as my earned early release period. During the period of community placement, community custody, or community supervision, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.
For crimes committed on or after July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the crime I have been convicted of falls into one of the offense types listed in the following chart, the court will sentence me to community custody for the community custody range established for that offense type unless the judge finds substantial and compelling reasons not to do so. If the period of earned release awarded per RCW 9.94A.150 is longer, that will be the term of my community custody. If the crime I have been convicted of falls into more than one category of offense types listed in the following chart, then the community custody range will be based on the offense type that dictates the longest term of community custody.

MISC.

OFFENSE TYPE	COMMUNITY CUSTODY RANGE
Serious Violent Offenses	24 to 48 months or up to the period of earned release, whichever is longer.
Violent Offenses	18 to 36 months or up to the period of earned release, whichever is longer.
Crimes Against Persons as defined by RCW 9.94A.440(2)	9 to 18 months or up to the period of earned release, whichever is longer.
Offenses under Chapter 69.50 or 69.52 RCW (Not sentenced under RCW 9.94A.120(6))	9 to 12 months or up to the period of earned release, whichever is longer.

During the period of community custody I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me. My failure to comply with these conditions will render me ineligible for general assistance, RCW 74.04.005 (6)(h), and may result in the Department of Corrections transferring me to a more restrictive confinement status or other sanctions.

(g) The prosecuting attorney will make the following recommendation to the judge: _____

[] The prosecutor will recommend as stated in the plea agreement, which is incorporated by reference.

(h) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so. If the judge goes outside the standard range, either the state or I can appeal that sentence. If the sentence is within the standard range, no one can appeal the sentence.

(i) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

(j) I understand that I may not possess, own, or have under my control any firearm unless my right to do so is restored by a court of record and that I must immediately surrender any concealed pistol license. RCW 9.41.040.

(k) Public assistance will be suspended during any period of imprisonment.

(l) I understand that I will be required to have a biological sample collected for purposes of DNA identification analysis. For offenses committed on or after July 1, 2002, I will be required to pay a \$100 DNA collection fee.

NOTIFICATION RELATING TO SPECIFIC CRIMES: IF ANY OF THE FOLLOWING PARAGRAPHS DO NOT APPLY, THEY SHOULD BE STRICKEN AND INITIALED BY THE DEFENDANT AND THE JUDGE.

[m] This offense is a most serious offense or strike as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.

[n] The judge may sentence me as a first-time offender instead of giving a sentence within the standard range if I qualify under RCW 9.94A.030. This sentence could include as much as 90 days' confinement, and up to two years community supervision if the crime was committed prior to July 1, 2000, or up to two years of community custody if the crime was committed on or after July 1, 2000, plus all of the conditions described in paragraph (e). Additionally, the judge could require me to undergo treatment, to devote time to a specific occupation, and to pursue a prescribed course of study or occupational training.

[o] If this crime involves a kidnapping offense involving a minor, I will be required to register where I reside, study or work. The specific registration requirements are set forth in the "Offender Registration" Attachment.

[p] If this is a crime of domestic violence and if I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.

[q] If this crime involves prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (AIDS) virus.

MISC.

- [r] The judge may sentence me under the special drug offender sentencing alternative (DOSA) if I qualify under former RCW 9.94A.120(6) (for offenses committed before July 1, 2001) or RCW 9.94A.660 (for offenses committed on or after July 1, 2001). This sentence could include a period of total confinement in a state facility for one-half of the midpoint of the standard range plus all of the conditions described in paragraph 6(e). During confinement, I will be required to undergo a comprehensive substance abuse assessment and to participate in treatment. The judge will also impose community custody of at least one-half of the midpoint of the standard range that must include appropriate substance abuse treatment, a condition not to use illegal controlled substances, and a requirement to submit to urinalysis or other testing to monitor that status. Additionally, the judge could prohibit me from using alcohol or controlled substances, require me to devote time to a specific employment or training, stay out of certain areas, pay thirty dollars per month to offset the cost of monitoring and require other conditions, including affirmative conditions.
- [s] If the judge finds that I have a chemical dependency that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty.
- [t] If this crime involves the manufacture, delivery, or possession with the intent to deliver methamphetamine or amphetamine, a mandatory methamphetamine clean-up fine of \$3,000.00 will be assessed. RCW 69.50.401 (a)(1)(ii).
- [u] If this crime involves a violation of the state drug laws, my eligibility for state and federal food stamps, welfare, and education benefits will be affected. 20 U.S.C. § 1091(r) and 21 U.S.C. § 862a.
- [v] If this crime involves a motor vehicle, my driver's license or privilege to drive will be suspended or revoked. If I have a driver's license, I must now surrender it to the judge.
- [w] If this crime involves the offense of vehicular homicide while under the influence of intoxicating liquor or any drug, as defined by RCW 46.61.502, committed on or after January 1, 1999, an additional two years shall be added to the presumptive sentence for vehicular homicide for each prior offense as defined in RCW 46.61.5055(8).
- [x] The crime of _____ has a mandatory minimum sentence of at least _____ years of total confinement. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6[m].
- [y] I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts ____ and ____ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.
- [z] I understand that the offense(s) I am pleading guilty to include a deadly weapon or firearm enhancement. Deadly weapon or firearm enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon or firearm enhancements.
- [aa] I understand that the offenses I am pleading guilty to include both a conviction under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and one or more convictions for the felony crimes of theft of a firearm or possession of a stolen firearm. The sentences imposed for these crimes shall be served consecutively to each other. A consecutive sentence will also be imposed for each firearm unlawfully possessed.
- [bb] I understand that if I am pleading guilty to the crime of unlawful practices in obtaining assistance as defined in RCW 74.08.331, no assistance payment shall be made for at least 6 months if this is my first conviction and for at least 12 months if this is my second or subsequent conviction. This suspension of benefits will apply even if I am not incarcerated. RCW 74.08.290.

7. I plead guilty to:
 count _____
 count _____
 count _____
 in the _____ Information. I have received a copy of that Information.

8. I make this plea freely and voluntarily.

MISC.

- 9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.
- 10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.
- 11. The judge has asked me to state what I did in my own words that makes me guilty of this crime.
This is my statement: _____

[] Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

- 12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs and the "Offender Registration" Attachment, if applicable. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

Defendant

I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.

Prosecuting Attorney Bar #

Defendant's Lawyer Bar #

Print Name

Print Name

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

- (a) The defendant had previously read the entire statement above and that the defendant understood it in full;
- (b) The defendant's lawyer had previously read to him or her the entire statement above and that the defendant understood it in full; or
- (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is attached.

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated: _____

Judge

INTERPRETER'S DECLARATION

I am a certified interpreter or have been found otherwise qualified by the court to interpret in the _____ language, which the defendant understands, and I have translated the _____ for the defendant from English into that language.
Identify document being translated

The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated: _____

Interpreter

Location: _____

MISC.

SUPERIOR COURT OF WASHINGTON FOR STATE OF WASHINGTON _____, <div style="text-align: right;">Plaintiff</div> vs. _____, <div style="text-align: right;">Defendant.</div>	NO. STATEMENT OF DEFENDANT ON PLEA OF GUILTY TO SEX OFFENSE (STTDFG)
---	--

1. My true name is: _____
2. My age is: _____
3. I went through the _____ grade.
4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:
 - (a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me.
 - (b) I am charged with: _____
The elements are: _____
5. I UNDERSTAND I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:
 - (a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;
 - (b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
 - (c) The right at trial to hear and question the witnesses who testify against me;
 - (d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
 - (e) I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty;
 - (f) The right to appeal a finding of guilt after a trial.
6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA, I UNDERSTAND THAT:
 - (a) Each crime with which I am charged carries a maximum sentence, a fine, and a STANDARD SENTENCE RANGE as follows:

COUNT NO.	OFFENDER SCORE	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancements*	TOTAL ACTUAL CONFINEMENT (standard range including enhancements)	COMMUNITY CUSTODY RANGE (Only applicable for crimes committed on or after July 1, 2000. For crimes committed prior to July 1, 2000, see paragraph 6(f))	MAXIMUM TERM AND FINE
1						
2						
3						

*(F) Firearm, (D) other deadly weapon

- (b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.
- (c) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.

MISC.

- (d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.
- (e) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees and the costs of incarceration.
- (f) For sex offenses committed prior to July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community supervision if the total period of confinement ordered is not more than 12 months. If the period of confinement is more than one year, the judge will order me to serve three years of community custody or up to the period of earned early release, whichever is longer. During the period of community custody, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

For sex offenses committed on or after July 1, 2000 but prior to September 1, 2001: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is over one year, the judge will sentence me to community custody for a period of 36 to 48 months or up to the period of earned release, whichever is longer. During the period of community custody to which I am sentenced, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

For sex offenses committed on or after September 1, 2001:

(i) Sentencing under RCW 9.94A.712: If this offense is for any of the offenses listed in subsections (aa) or (bb), below, the judge will impose a maximum term of confinement consisting of the statutory maximum sentence of the offense and a minimum term of confinement either within the standard range for the offense or outside the standard range if an exceptional sentence is appropriate. The minimum term of confinement that is imposed may be increased by the Indeterminate Sentence Review Board if the Board determines by a preponderance of the evidence that it is more likely than not that I will commit sex offenses if released from custody. In addition to the period of confinement, I will be sentenced to community custody for any period of time I am released from total confinement before the expiration of the maximum sentence. During the period of community custody I will be under the supervision of the Department of Corrections and I will have restrictions and requirements placed upon me and I may be required to participate in rehabilitative programs.

- (aa) If the current offense is any of these offenses or attempt to commit any of these offenses:

Rape in the first degree	Rape in the second degree
Rape of a child in the first degree committed when I was at least 18 years old.	Rape of a child in the second degree committed when I was at least 18 years old.
Child molestation in the first degree committed when I was at least 18 years old.	Indecent liberties by forcible compulsion
Any of the following offenses with a finding of sexual motivation:	
Murder in the first degree	Murder in the second degree
Homicide by abuse	Kidnapping in the first degree
Kidnapping in the second degree	Assault in the first degree
Assault in the second degree	Assault of a child in the first degree
Burglary in the first degree	

- (bb) If the current offense is any sex offense and I have a prior conviction for any of these offenses or attempt to commit any of these offenses:

MISC.

Rape in the first degree	Rape in the second degree
Rape of a child in the first degree	Rape of a child in the second degree
Child molestation in the first degree	Indecent liberties by forcible compulsion
Any of the following offenses with a finding of sexual motivation:	
Murder in the first degree	Murder in the second degree
Homicide by abuse	Kidnapping in the first degree
Kidnapping in the second degree	Assault in the first degree
Assault in the second degree	Assault of a child in the first degree
Burglary in the first degree	

(ii) If this offense is for a sex offense that is not listed in paragraph 6(f)(i), then in addition to sentencing me to a term of confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is over one year, the judge will sentence me to community custody for a period of 36 to 48 months or up to the period of earned release, whichever is longer. During the period of community custody to which I am sentenced, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

(g) The prosecuting attorney will make the following recommendation to the judge: _____

The prosecutor will recommend as stated in the plea agreement, which is incorporated by reference.

(h) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so. If the judge goes outside the standard range, either the state or I can appeal that sentence. If the sentence is within the standard range, no one can appeal the sentence.

(i) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

(j) I understand that I may not possess, own, or have under my control any firearm unless my right to do so is restored by a court of record and that I must immediately surrender any concealed pistol license. RCW 9.41.040.

(k) Public assistance will be suspended during any period of imprisonment.

(l) I will be required to register where I reside, study or work. The specific registration requirements are described in the "Offender Registration" Attachment.

(m) I will be required to have a biological sample collected for purposes of DNA identification analysis. For offenses committed on or after July 1, 2002, I will be required to pay a \$100 DNA collection fee.

(n) I will be required to undergo testing for the human immunodeficiency (AIDS) virus.

NOTIFICATION RELATING TO SPECIFIC CRIMES: IF ANY OF THE FOLLOWING PARAGRAPHS DO NOT APPLY, THEY SHOULD BE STRICKEN AND INITIALED BY THE DEFENDANT AND THE JUDGE.

[o] This offense is a most serious offense or strike as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the offense for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole. In addition, if this offense is (1) rape in the first degree, rape of a child in the first degree, rape in the second degree, rape of a child in the second degree, indecent liberties by forcible compulsion, or child molestation in the first degree, or (2) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree, with a finding of sexual motivation, or (3) any attempt to commit any of the offenses listed in this sentence and I have at least one prior conviction for one of these listed offenses in this state, in federal court, or elsewhere, the offense for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.

MISC.

[p] Special sex offender sentencing alternative:

For offenses committed before September 1, 2001: The judge may suspend execution of the standard range term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under former RCW 9.94A.120(8) (for offenses committed before July 1, 2001) or RCW 9.94A.670 (for offenses committed on or after July 1, 2001). If the judge suspends execution of the standard range term of confinement, I will be placed on community custody for the length of the suspended sentence or three years, which ever is greater; I will be ordered to serve up to 180 days of total confinement; I will be ordered to participate in sex offender treatment; have restrictions and requirements placed upon me; and I will be subject to all of the conditions described in paragraph 6(e). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.

For offenses committed on or after September 1, 2001: The judge may suspend execution of the standard range term of confinement or the minimum term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under RCW 9.94A.670. If the judge suspends execution of the standard range term of confinement for a sex offense that is not listed in paragraph 6(f)(i), I will be placed on community custody for the length of the suspended sentence or three years, whichever is greater. If the judge suspends execution of minimum term of confinement for a sex offense listed in paragraph 6(f)(i), I will be placed on community custody for the length of the statutory maximum sentence of the offense. In addition to the term of community custody, I will be ordered to serve up to 180 days of total confinement; I will be ordered to participate in sex offender treatment; I will have restrictions and requirements placed upon me; and I will be subject to all of the conditions described in paragraph 6(e). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.

[q] If this is a crime of domestic violence and if I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.

[r] If the judge finds that I have a chemical dependency that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty.

[s] If this offense involves a motor vehicle, my driver's license or privilege to drive will be suspended or revoked. If I have a driver's license, I must now surrender it to the judge.

[t] The crime of _____ has a mandatory minimum sentence of at least _____ years of total confinement. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6[o].

[u] I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts _____ and _____ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.

[v] I understand that the offense(s) I am pleading guilty to include a deadly weapon or firearm enhancement. Deadly weapon or firearm enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon or firearm enhancements.

7. I plead guilty to:

count _____
count _____
count _____
in the _____ Information. I have received a copy of that Information.

8. I make this plea freely and voluntarily.

9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. The judge has asked me to state what I did in my own words that makes me guilty of this crime.

This is my statement: _____

[] Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs and the "Offender Registration" Attachment. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

Defendant
I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.

Prosecuting Attorney Bar #

Print Name

Defendant's Lawyer Bar #

Print Name

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

- (a) The defendant had previously read the entire statement above and that the defendant understood it in full;
- (b) The defendant's lawyer had previously read to him or her the entire statement above and that the defendant understood it in full; or
- (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is attached.

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated: _____

Judge

INTERPRETER'S DECLARATION

I am a certified interpreter or have been found otherwise qualified by the court to interpret in the _____ language, which the defendant understands, and I have translated the _____ for the defendant from English into that language.
(Identify document being translated)

The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated: _____

Interpreter

Location: _____

MISC.

Case Name: _____

Cause No.: _____

"OFFENDER REGISTRATION" ATTACHMENT: sexual misconduct with a minor in the second degree, communication with a minor for immoral purposes, or attempt, solicitation or conspiracy to commit a sex offense, or a kidnapping offense involving a minor, as defined in RCW 9A.44.130. (If required, attach to Statement of Defendant on Plea of Guilty.)

Because this crime involves a sexual misconduct with a minor in the second degree, communication with a minor for immoral purposes, or attempt, solicitation or conspiracy to commit a sex offense, or a kidnapping offense involving a minor, as defined in RCW 9A.44.130, I will be required to register with the sheriff of the county of the state of Washington where I reside. If I am not a resident of Washington but I am a student in Washington or I am employed in Washington or I carry on a vocation in Washington, I must register with the sheriff of the county of my school, place of employment, or vocation. I must register immediately upon being sentenced unless I am in custody, in which case I must register at the time of my release with the person designated by the agency that has me in custody and I must also register within 24 hours of my release with the sheriff of the county of the state of Washington where I will be residing, or if not residing in the state of Washington, where I am a student, where I am employed, or where I carry on a vocation.

If I leave this state following my sentencing or release from custody but later move back to Washington, I must register within 30 days after moving to this state or within 24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections. If I leave this state following my sentencing or release from custody, but later while not a resident of Washington I become employed in Washington, carry on a vocation in Washington, or attend school in Washington, I must register within 30 days after attending school in this state or becoming employed or carrying out a vocation in this state, or within 24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections.

If I change my residence within a county, I must send written notice of my change of residence to the sheriff within 72 hours of moving. If I change my residence to a new county within this state, I must send written notice of the change of address at least 14 days before moving to the county sheriff in the new county of residence, I must register with the sheriff of the new county within 24 hours of moving, and I must also give written notice of my change of address to the sheriff of the county where last registered within 10 days of moving. If I move out of Washington State, I must send written notice within 10 days of moving to the new state or foreign country to the county sheriff with whom I last registered in Washington State.

If I move to another state, or if I work, carry on a vocation, or attend school in another state I must register a new address, fingerprints, and photograph with the new state within 10 days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. I must also send written notice within 10 days of moving to the new state or to a foreign country to the county sheriff with whom I last registered in Washington State.

If I am a resident of Washington and I am admitted to a public or private institution of higher education, I shall, within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff of the county of my residence of my intent to attend the institution.

If I lack a fixed residence, I am required to register. Registration must occur within 24 hours of release in the county where I am being supervised if I do not have a residence at the time of my release from custody or within 48 hours, excluding weekends and holidays, after ceasing to have a fixed residence. If I enter a different county and stay there for more than 24 hours, I will be required to register in the new county. I must also report in person to the sheriff of the county where I am registered on a weekly basis. The weekly report will be on a day specified by the county sheriff's office, and shall occur during normal business hours. I may be required to provide a list of the locations where I have stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level and shall make me subject to disclosure to the public at large pursuant to RCW 4.24.550.

If I apply for a name change, I must submit a copy of the application to the county sheriff of the county of my residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If I receive an order changing my name, I must submit a copy of the order to the county sheriff of the county of my residence and to the state patrol within five days of the entry of the order. RCW 9A.44.130(7).

Date: _____

Defendant's signature

MISC.

[] LOCAL SANCTIONS:

COUNT	SUPERVISION	COMMUNITY RESTITUTION	FINE	DETENTION	CVC	RESTITUTION
[] 1	0 to 12 months	0 to 150 hours	\$0 to \$500	0 to 30 Days	\$75/\$100	[] As required [] _____
[] 2	0 to 12 months	0 to 150 hours	\$0 to \$500	0 to 30 Days	\$75/\$100	[] As required [] _____
[] 3	0 to 12 months	0 to 150 hours	\$0 to \$500	0 to 30 Days	\$75/\$100	[] As required [] _____

I understand that, if community supervision is imposed, I will be required to comply with various rules, which could include school attendance, curfew, law abiding behavior, associational restrictions, counseling, treatment, urinalysis, and/or other conditions deemed appropriate by the judge. Failure to comply with the conditions of supervision could result in a violation being found and further confinement imposed for the violation up to 30 days.

[] JUVENILE REHABILITATION ADMINISTRATION (JRA) COMMITMENT:

COUNT	WEEKS AT JUVENILE REHABILITATION ADMINISTRATION (JRA) FACILITY	CVC	RESTITUTION
[] 1	[] 15 - 36 [] 30 - 40 [] 52 - 65 [] 80 - 100 [] 103 - 129 [] 180 - Age 21	\$75/\$100	[] As required [] _____
[] 2	[] 15 - 36 [] 30 - 40 [] 52 - 65 [] 80 - 100 [] 103 - 129 [] 180 - Age 21	\$75/\$100	[] As required [] _____
[] 3	[] 15 - 36 [] 30 - 40 [] 52 - 65 [] 80 - 100 [] 103 - 129 [] 180 - Age 21	\$75/\$100	[] As required [] _____

I understand that, if I am committed to a Juvenile Rehabilitation Administration (JRA) facility, following my release I may be required to comply with a program of parole for a number of months. I understand that if placed on parole, I will be under the supervision of a parole officer. The conditions of parole will restrict my actions and may require me to participate in activities and programs including, but not limited to, evaluation, treatment, education, employment, community restitution, electronic monitoring, and urinalysis. Failure to comply with the conditions of parole may result in parole revocation and further confinement.

I understand that if I am pleading guilty to two or more offenses, the disposition terms shall run consecutively (one term after the other) subject to the limitations in RCW 13.40.180.

I understand that if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding.

8. RIGHT TO APPEAL SENTENCE: I understand, that the judge must impose a sentence within the standard range, unless the judge finds by clear and convincing evidence that the standard range sentence would amount to a manifest injustice. If the judge goes outside the standard range, either the state or I can appeal that sentence. If the sentence is within the standard range, no one can appeal the sentence.

9. MAXIMUM PUNISHMENT: I have been informed, and fully understand, that the maximum punishment I can receive is commitment until I am 21 years old, but that I may be incarcerated for no longer than the adult maximum sentence for this offense.

10. COUNTS AS CRIMINAL HISTORY: I understand that my plea of guilty and the judge's acceptance of my plea will become part of my criminal history. I understand that if I am pleading guilty to two or more offenses that arise out of the same course of conduct, only the most serious offense will count as an offense in my criminal history. I understand that my guilty plea will remain part of my criminal history when I am an adult and may affect my ability to remain in the Juvenile Justice System should I re-offend. I understand that the judge will consider my criminal history when sentencing me for any offense that I commit in the future as an adult or juvenile.

11. GROUNDS FOR DEPORTATION: If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

12. NOTIFICATION RELATING TO SPECIFIC CRIMES: IF ANY OF THE FOLLOWING PARAGRAPHS DO NOT APPLY, THEY SHOULD BE STRICKEN AND INITIALED BY THE DEFENDANT AND THE JUDGE.

[A] SUSPENSION/REVOCAION OF DRIVING PRIVILEGE FOR FIREARMS OR DRUGS: I have been informed that if the offense that I am pleading guilty to involves a finding that I was armed with a firearm when I committed the offense or if the offense was a violation of RCW 9.41.040(1) or chapters 66.44, 69.41, 69.50 or 69.52 and I was 13 years of age or older when I committed the offense, then the plea will result in the suspension or revocation of my privilege to drive.

MISC.

- [B] SUSPENSION/REVOCAION OF DRIVING PRIVILEGE FOR DRIVING OFFENSES: I have been informed that if the offense that I am pleading guilty to is any felony in the commission of which a motor vehicle was used, reckless driving, driving or being in physical control of a motor vehicle while under the influence of intoxicants, driving while license suspended or revoked, vehicular assault, vehicular homicide, hit and run, theft of motor vehicle fuel, or attempting to elude a pursuing police vehicle, the plea will result in the suspension or revocation of my privilege to drive.
- [C] OFFENDER REGISTRATION FOR SEX OFFENSE OR KIDNAPPING OFFENSE: Because this crime involves a sex offense, or a kidnapping offense involving a minor, or sexual misconduct with a minor in the second degree, communication with a minor for immoral purposes, or attempt, solicitation, or conspiracy to commit a sex offense or a kidnapping offense involving a minor, as defined in RCW 9A.44.130, I will be required to register where I reside, study or work. The specific registration requirements are set forth in the "Offender Registration" Attachment.
- [D] DNA TESTING: If this crime involves a felony or stalking, harassment, or communication with a minor for immoral purposes, I will be required to have a biological sample collected for purposes of DNA identification analysis. RCW 43.43.754.
- [E] HIV TESTING: If this crime involves a sexual offense, prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus. RCW 70.24.340.
- [F] CRIME LAB FEES: If this offense involves a controlled substance, I will be required to pay \$100 for the State Patrol Crime Lab fees to test the substance.
- [G] SCHOOL NOTIFICATION: If I am enrolled in a common school, the court will notify the principal of my plea of guilty if the offense for which I am pleading guilty is a violent offense as defined in RCW 9.94A.030; a sex offense as defined in RCW 9.94A.030; inhaling toxic fumes under chapter 9.47A RCW; a controlled substance violation under chapter 69.50 RCW; a liquor violation under RCW 66.44.270; or any crime under chapters 9.41, 9A.36, 9A.40, 9A.46, and 9A.48 RCW. RCW 13.04.155.
- [H] SCHOOL ATTENDANCE WITH VICTIM PROHIBITED: I understand that if I am pleading guilty to a sex offense, I will not be allowed to attend the school attended by the victim or victim's siblings. RCW 13.40.160.
- [I] FEDERAL BENEFITS: I understand that if I am pleading guilty to a felony drug offense, my eligibility for state and federal food stamps and welfare will be affected.
21 U.S.C. § 862a.
- [J] MANDATORY MINIMUM SENTENCE: The crime of _____ has a mandatory minimum sentence of at least _____ weeks of total confinement. The law does not allow any reduction of this sentence.
- [K] RIGHT TO POSSESS FIREARMS: [JUDGE MUST READ THE FOLLOWING TO OFFENDER] I have been informed that if I am pleading guilty to any offense that is classified as a felony or any of the following crimes when committed by one family or household member against another: assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree; or violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence; that I may not possess, own, or have under my control any firearm unless my right to do so has been restored by a court of record. RCW 9.41.040(1).
- [L] FIREARMS POSSESSION OR COMMISSION WHILE ARMED:
- [i] Minimum 10 Days for Possession Under Age 18: I understand that the offense I am pleading guilty to includes possession of a firearm in violation of RCW 9.41.040 (1)(b)(iii), and pursuant to chapter 13.40.193 RCW, the judge will impose a mandatory minimum disposition of 10 days of confinement, which must be served in total confinement without possibility of release until a minimum of 10 days has been served.
- [ii] Unlawful Possession with Stolen Firearm: I understand that if the offenses I am pleading guilty to include both a conviction under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and one or more convictions for the felony crimes of theft of a firearm or possession of a stolen firearm, that the sentences imposed for these crimes shall be served consecutively to each other. A consecutive sentence will also be imposed for each firearm unlawfully possessed.

[iii] Armed During Commission of Any Offense: I understand that if the offense I am pleading guilty to includes a finding that either I or my accomplice was armed with a firearm during the commission of the offense, that the standard range disposition shall be determined pursuant to RCW 13.40.160, unless the judge finds a manifest injustice, in which case the disposition shall be determined pursuant to chapter 13.40.193(3). Such confinement will run consecutive to any other sentence that may be imposed.

[iv] Armed During Commission of a Felony: I further understand that the offense I am pleading guilty to includes a finding that either myself or my accomplice was armed with a firearm during the commission of a felony (other than possession of a machine gun, possession of a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first or second degree, or use of a machine gun in a felony) and, therefore, the following mandatory periods of total confinement will be added to my sentence: For a class A felony, six (6) months; for a class B felony, four (4) months; and for a class C felony, two (2) months. Such confinement will run consecutive to any other sentence that may be imposed.

13. I understand that the prosecuting attorney will make the following recommendation to the judge:

14. I understand that the probation counselor will make the following recommendation to the judge:

15. Although the judge will consider recommendations of the prosecuting attorney and the probation officer, the judge may impose any sentence he or she feels is appropriate, up to the maximum allowed by law.

16. The judge has asked me to state in my own words what I did that makes me guilty of this crime. This is my statement:

[] Instead of making a statement, I agree that the judge may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

17. I plead guilty to count _____ in the _____ Information. I have received a copy of that Information.

18. I make this plea freely. No one has threatened to harm me or anyone else to get me to plead guilty.

19. No one has made any promises to make me plead guilty, except as written in this statement.

20. I have read or someone has read to me everything printed above, and in Attachment "A," if applicable, and I understand it in full. I have been given a copy of this statement. I have no more questions to ask the judge.

Dated: _____

Respondent
I have read and discussed this statement with the respondent and believe that the respondent is competent and fully understands the statement.

Deputy Prosecuting Attorney

Attorney for Respondent

Type or Print Name/Bar Number

Type or Print Name/Bar Number

JUDGE'S CERTIFICATE

The foregoing statement was signed by the respondent in open court in the presence of his or her lawyer and the undersigned judge. The respondent asserted that [check appropriate box]:

- (a) The respondent had previously read the entire statement above and that the respondent understood it in full;
- (b) The respondent's lawyer had previously read to him or her the entire statement above and that the respondent understood it in full; or
- (c) An interpreter had previously read to the respondent the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is attached.

I find the respondent's plea of guilty is knowingly, intelligently, and voluntarily made. Respondent understands the charge and the consequences of the plea. There is a factual basis for the plea. The respondent is guilty as charged.

Dated: _____
JUDGE/COMMISSIONER

INTERPRETER'S DECLARATION

I am a certified interpreter or have been found otherwise qualified by the court to interpret in the _____ language, which the respondent understands, and I have translated the _____ for the respondent from English into that language.
(Identify document being translated)

The respondent has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED: _____

Interpreter

LOCATION: _____

Case Name: _____ Cause No.: _____

"OFFENDER REGISTRATION" ATTACHMENT: OFFENDER REGISTRATION FOR SEX OFFENSE OR KIDNAPPING OFFENSE (If required, attach to Statement on Plea of Guilty.):

Because this crime involves a sex offense or a kidnapping offense involving a minor as defined in RCW 9A.44.130, I will be required to register with the sheriff of the county of the state of Washington where I reside. If I am not a resident of Washington but I am a student in Washington or I am employed in Washington or I carry on a vocation in Washington, I must register with the sheriff of the county of my school, place of employment, or vocation. I must register immediately upon being sentenced unless I am in custody, in which case I must register at the time of my release with the person designated by the agency that has me in custody and I must also register within 24 hours of my release with the sheriff of the county of the state of Washington where I will be residing, or if not residing in the state of Washington, where I am a student, where I am employed, or where I carry on a vocation.

If I leave this state following my sentencing or release from custody but later move back to Washington, I must register within 30 days after moving to this state or within 24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections. If I leave this state following my sentencing or release from custody, but later while not a resident of Washington I become employed in Washington, carry on a vocation in Washington, or attend school in Washington, I must register within 30 days after attending school in this state or becoming employed or carrying out a vocation in this state, or within 24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections.

If I change my residence within a county, I must send written notice of my change of residence to the sheriff within 72 hours of moving. If I change my residence to a new county within this state, I must send written notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence, I must register with the sheriff of the new county within 24 hours of moving and I must also give written notice of my change of address to the sheriff of the county where last registered within 10 days of moving. If I move out of Washington State, I must send written notice within 10 days of moving to the new state or foreign country to the county sheriff with whom I last registered in Washington State.

If I move to another state, or if I work, carry on a vocation, or attend school in another state I must register a new address, fingerprints, and photograph with the new state within 10 days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. I must also send written notice within 10 days of moving to the new state or to a foreign country to the county sheriff with whom I last registered in Washington State.

MISC.

If I am a resident of Washington and I am admitted to a public or private institution of higher education, I shall, within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff of the county of my residence of my intent to attend the institution.

If I lack a fixed residence, I am required to register. Registration must occur within 24 hours of release in the county where I am being supervised if I do not have a residence at the time of my release from custody or within 48 hours, excluding weekends and holidays, after ceasing to have a fixed residence. If I enter a different county and stay there for more than 24 hours, I will be required to register in the new county. I must also report in person to the sheriff of the county where I am registered on a weekly basis. The weekly report will be on a day specified by the county sheriff's office, and shall occur during normal business hours. I may be required to provide a list of the locations where I have stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level and shall make me subject to disclosure to the public at large pursuant to RCW 4.24.550.

If I apply for a name change, I must submit a copy of the application to the county sheriff of the county of my residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If I receive an order changing my name, I must submit a copy of the order to the county sheriff of the county of my residence and to the state patrol within five days of the entry of the order. RCW 9A.44.130(7).

Date: _____

Respondent's signature

COURT OF WASHINGTON

FOR

NO.

Plaintiff

vs.

Defendant.

**STATEMENT OF DEFENDANT ON
PLEA OF GUILTY**

1. My true name is _____.
2. My age is _____.
3. I went through the _____ grade.
4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:

- (a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me.
- (b) I am charged with: _____
The elements are: _____

5. I UNDERSTAND THAT I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:

- (a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;
- (b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
- (c) The right at trial to hear and question the witnesses who testify against me;
- (d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
- (e) I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty;
- (f) The right to appeal a finding of guilt after a trial.

MISC.

6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA, I UNDERSTAND THAT:

- (a) The crime with which I am charged carries a maximum sentence of _____ days in jail and a \$_____ fine.
- (b) The prosecuting authority will make the following recommendation to the judge:

- (c) The judge does not have to follow anyone's recommendation as to sentence. The judge can give me any sentence up to the maximum authorized by law no matter what the prosecuting authority or anyone else recommends.
- (d) The judge may place me on probation for up to five years if I am sentenced under RCW 46.61.5055 or up to two years for all other offenses and impose conditions of probation. If the court orders me to appear at a hearing regarding my compliance with probation and I fail to attend the hearing, the term of probation will be tolled until I appear before the court on the record.
- (e) The judge may require me to pay costs, fees and assessments authorized by law. The judge may also order me to make restitution to any victims who lost money or property as a result of crimes I committed. The maximum amount of restitution is double the amount of the loss of all victims or double the amount of my gain.
- (f) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

NOTIFICATION RELATING TO SPECIFIC CRIMES: IF ANY OF THE FOLLOWING PARAGRAPHS APPLY, THE BOX SHOULD BE CHECKED AND THE PARAGRAPH INITIALED BY THE DEFENDANT.

- []g The crime of _____ has a mandatory minimum sentence of _____ days in jail and \$_____ fine plus costs and assessments. The law does not allow any reduction of this sentence.
- []h If this crime involves a sexual offense, prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (AIDS) virus.
- []i This plea of guilty will result in suspension or revocation of my driving license or privilege by the Department of Licensing for a period of _____. This period may not include suspension or revocation based on other matters.
- []j I understand that I may not possess, own, or have under my control any firearm unless my right to do so is restored by a court of record and that I must immediately surrender any concealed pistol license. RCW 9.41.040.
- []k If this crime involves a drug offense, my eligibility for state and federal education benefits will be affected. 20 U.S.C. § 1091(r).
- []l If this case involves driving while under the influence of alcohol and/or being in actual physical control of a vehicle while under the influence of alcohol and/or drugs, I have been informed and understand that I will be subject to

[] the penalties described in the "DUI" Attachment.

OR

[] these penalties: The mandatory minimum sentence of _____ days in jail, _____ days of electronic home monitoring and \$ _____ monetary penalty. I will also be required to drive only motor vehicles equipped with an ignition interlock device for _____ years. My driving privilege will be suspended or revoked by the Department of Licensing for the period of time stated in paragraph 6(i). In lieu of the minimum jail term, the judge may order me to serve _____ days in electronic home monitoring. If I do not have a dwelling, telephone service, or any other necessity to operate electronic home monitoring; if I live out of state; or if the judge determines I would violate the terms of electronic home monitoring, the judge may waive electronic home monitoring and impose an alternative sentence which may include additional jail time, work crew or work camp.

MISC.

- m I understand that if this crime involves sexual misconduct with a minor in the second degree, communication with a minor for immoral purposes, or attempt, solicitation or conspiracy to commit a sex offense, or a kidnapping offense involving a minor, as defined in RCW 9A.44.130, I will be required to register with the county sheriff as described in the "Offender Registration" Attachment.
- n If this crime involves stalking, harassment or communication with a minor for immoral purposes, I will be required to have a biological sample collected for purposes of DNA identification analysis. RCW 43.43.754.

- 7. I plead guilty to the crime of _____ as charged in the complaint or citation and notice. I have received a copy of that complaint or citation and notice.
- 8. I make this plea freely and voluntarily.
- 9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.
- 10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.
- 11. The judge has asked me to state in my own words what I did that makes me guilty of this crime. This is my statement:

Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

- 12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

Date: _____

 Defendant
 I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.

 Prosecuting Authority and Bar #

 Defendant's Lawyer and Bar #

 Print Name

 Print name

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that (check the appropriate box):

- (a) The defendant had previously read; or
- (b) The defendant's lawyer had previously read to him or her; or
- (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full.

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

DATED: _____

 Judge

INTERPRETER'S DECLARATION
 (If required, attach to Statement of Defendant on Plea of Guilty.)

I am a certified interpreter or have been found otherwise qualified by the court to interpret in the _____ language, which the defendant understands, and I have translated _____ for the defendant from English into that language.
 (Identify document being translated)

The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

MISC.

DATED: _____

Interpreter _____

LOCATION: _____

Case Name: _____

Cause No.: _____

"DUI" Attachment: Driving under the influence of alcohol and/or actual physical control of a vehicle while under the influence of alcohol and/or drugs. (If required, attach to Statement of Defendant on Plea of Guilty.)

Department Of Licensing - DUI Administrative Sanctions and Reinstatement Provisions (as amended through June 1, 2001)

ADMINISTRATIVE SANCTIONS - RCW 46.20.3101 (Effective January 1, 1999)		
REFUSED TEST	<i>First Refusal Within 7 Years <u>And</u> No Prior Administrative Action Within Past 7 Years</i>	<i>Second or Subsequent Refusal Within Past 7 Years OR First Refusal <u>And</u> At Least One Prior Administrative Action Within Past 7 Years (Revocation consecutive to any court ordered suspension as a result of same incident)</i>
Adult	1-Year License Revocation	2-Year License Revocation
Minor	1-Year License Revocation	2-Year License Revocation Or Until Age 21 Whichever Is Longer
ALCOHOL CON-CENTRATION TEST RESULT	<i>First Administrative Action</i>	<i>Second or Subsequent Administrative Action</i>
Adult With 0.08 or Greater	90-Day License Suspension	2-Year License Revocation
Minor With 0.02 or Greater	90-Day License Suspension	1-Year License Revocation Or Until Age 21 Whichever Is Longer

Note: An individual convicted of DUI or physical control will have his/her driving privilege placed in probationary status for five years from the date he/she is eligible to reinstate his/her driver's license. (See RCW 46.61.5055 and 46.20.355) An individual granted a deferred prosecution under RCW 10.05.060 will have his/her driving privilege placed on probationary status for five years from the date of the incident, which was the basis for the deferred prosecution. (See RCW 46.20.355 and 10.05.060)

REQUIREMENTS FOR REINSTATEMENT OF DRIVING PRIVILEGE	
<i>Suspended License* (RCW 46.20.311)</i>	<i>Revoked License* (RCW 46.20.311)</i>
<ul style="list-style-type: none"> File and maintain proof of financial responsibility for the future with the Department of Licensing as provided in chapter 46.29 RCW Pay \$150 driver's license reissue fee (Effective June 11, 1998) Driver's ability test NOT required 	<ul style="list-style-type: none"> File and maintain proof of financial responsibility for the future with the Department of Licensing as provided in chapter 46.29 RCW Pay \$150 driver's license reissue fee (Effective June 11, 1998) Satisfactorily complete a driver's ability test

* If suspension or revocation is the result of a criminal conviction, the driver must also show proof of either (1) enrollment and satisfactory participation in an approved alcohol treatment program or (2) completion of an alcohol information school, as determined by the court and/or treatment agency.

COURT DUI SENTENCING GRID (RCW 46.61.5055 as amended through June 1, 2001)

"Prior Offense" includes the following: (as defined in RCW 46.61.5055)

Original Convictions for the following: (1) DUI (RCW 46.61.502) (or an equivalent local ordinance); (2) Phys. Cont. (RCW 46.61.504) (or an equivalent local ordinance); (3) Veh. Homicide (RCW 46.61.520) or Veh. Assault (RCW 46.61.522) if either committed while under the influence; (4) Equiv. out-of-state statute for any of the above offenses.

Amended Convictions for the following: If the person was originally charged with DUI or Phys. Cont. or an equivalent local ordinance, or Veh. Homicide (RCW 46.61.520) or Veh. Assault (RCW 46.61.522). (1) Neg. Driving 1st (RCW 46.61.5249); (2) Reckless Driving (RCW 46.61.500); (3) Reckless Endangerment (RCW 9A.36.050); (4) Equiv. out-of-state or local ordinance for the above offenses.

MISC.

Deferred Prosecution Granted for the following: (1) DUI (RCW 46.61.502) (or equivalent local ordinance); (2) Phys. Cont. (RCW 46.61.504) (or equivalent local ordinance); (3) Neg. Driving 1st (RCW 46.61.5249), (or equiv. local ord.), *if the person was originally charged with DUI or Phys. Cont. (or an equiv. local ord.), or Veh. Homicide (RCW 46.61.520) or Veh. Assault (RCW 46.61.522).*

"Within seven years" means that the arrest for a prior offense(s) occurred within 7 years of the arrest for the current offense. (as defined in RCW 46.61.5055.)

Alcohol Concentration Less Than .15 Or No Test Result	No Prior Offenses Within Past 7 Years	One Prior Offense Within Past 7 Years	Two or More Prior Offenses Within Past 7 Years
Jail Time***	1-365 Days (24 consecutive hours non-suspendable)	30-365 Days (30 days non-suspendable)	90-365 Days (90 days non-suspendable)
Electronic Home Monitoring*	In Lieu of Mandatory Minimum Jail Time, Not Less Than 15 Days	60 Days	120 Days
Fine	\$350-\$5,000 (\$765 total minimum fine w/statutory assessments****)	\$500-\$5,000 (\$1,005 total minimum fine w/statutory assessments****)	\$1,000-\$5,000 (\$1,805 total minimum fine w/statutory assessments****)
Driver's License	90-Day Suspension	2-Year Revocation	3-Year Revocation
Ignition Interlock Device	Court may order**	Not Less Than 1 Year**	Not Less Than 1 Year**
Alcohol/Drug Ed. or Treatment	As Determined By The Court	As Determined By The Court	As Determined By The Court
Alcohol Concentration At Least .15 or Greater Or Test Refusal	No Prior Offenses Within Past 7 Years	One Prior Offense Within Past 7 Years	Two or More Prior Offenses Within Past 7 Years
Jail Time***	2-365 Days (2 consecutive days non-suspendable)	45-365 Days (45 days non-suspendable)	120-365 Days (120 days non-suspendable)
Electronic Home Monitoring*	In Lieu of Mandatory Minimum Jail Time, Not Less Than 30 Days	90 Days	150 Days
Fine	\$500-\$5,000 (\$1,005 total minimum fine w/statutory assessments****)	\$750-\$5,000 (\$1,405 total minimum fine w/statutory assessments****)	\$1,500-\$5,000 (\$2,605 total minimum fine w/statutory assessments****)
Driver's License	1-Year Revocation	900-Day Revocation	4-Year Revocation
Ignition Interlock Device	Not Less Than 1 Year**	Not Less Than 1 Year**	Not Less Than 1 Year**
Alcohol/Drug Ed. or Treatment	As Determined By The Court	As Determined By The Court	As Determined By The Court

- * **Electronic Home Monitoring:** For first time offenders, the court may impose electronic home monitoring in lieu of the mandatory minimum jail time. Courts may waive electronic home monitoring in writing stating the reasons therefore and facts relied upon. If EHM is waived, the court is required to impose an alternative sentence with similar punitive consequences. (RCW 46.61.5055).
- ** **Ignition Interlock:** For a person previously ordered to install ignition interlock under RCW 46.20.720 (3)(a) not less than 5 years, for a person previously ordered to install ignition interlock under RCW 46.20.720 (3)(b) not less than 10 years. For application in DUI Deferred Prosecution, see: RCW 10.05.140.
- *** **Mandatory conditions of probation if any jail time is suspended:** (Court's jurisdiction extended to five years if it imposes less than one year in jail - RCW 46.61.5055) (i) The individual is not to drive a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future, (ii) the individual is not to drive a motor vehicle within this state while having an alcohol concentration of .08 or more within two hours after driving, (iii) the individual is not to refuse to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor.
- **** **Local Government Criminal Justice Funding penalty:** Effective July 22, 2001, the court must impose an additional local government criminal justice funding penalty of \$50. RCW 46.64.055. PSEA applies.

MISC.

Case Name: _____

Cause No.: _____

"OFFENDER REGISTRATION" ATTACHMENT: sexual misconduct with a minor in the second degree, communication with a minor for immoral purposes, or attempt, solicitation or conspiracy to commit a sex offense, or a kidnapping offense involving a minor, as defined in RCW 9A.44.130. (If required, attach to Statement of Defendant on Plea of Guilty.)

Because this crime involves a sexual misconduct with a minor in the second degree or attempt, solicitation or conspiracy to commit a sex offense, or a kidnapping offense involving a minor, as defined in RCW 9A.44.130, I will be required to register with the sheriff of the county of the state of Washington where I reside. If I am not a resident of Washington but I am a student in Washington or I am employed in Washington or I carry on a vocation in Washington, I must register with the sheriff of the county of my school, place of employment, or vocation. I must register immediately upon being sentenced unless I am in custody, in which case I must register at the time of my release with the person designated by the agency that has me in custody and I must also register within 24 hours of my release with the sheriff of the county of the state of Washington where I will be residing, or if not residing in the state of Washington, where I am a student, where I am employed, or where I carry on a vocation.

If I leave this state following my sentencing or release from custody but later move back to Washington, I must register within 30 days after moving to this state or within 24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections. If I leave this state following my sentencing or release from custody, but later while not a resident of Washington I become employed in Washington, carry on a vocation in Washington, or attend school in Washington, I must register within 30 days after attending school in this state or becoming employed or carrying out a vocation in this state, or within 24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections.

If I change my residence within a county, I must send written notice of my change of residence to the sheriff within 72 hours of moving. If I change my residence to a new county within this state, I must send written notice of the change of address at least 14 days before moving to the county sheriff in the new county of residence, I must register with the sheriff of the new county within 24 hours of moving, and I must also give written notice of my change of address to the sheriff of the county where last registered within 10 days of moving. If I move out of Washington State, I must send written notice within 10 days of moving to the new state or foreign country to the county sheriff with whom I last registered in Washington State.

If I move to another state, or if I work, carry on a vocation, or attend school in another state I must register a new address, fingerprints, and photograph with the new state within 10 days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. I must also send written notice within 10 days of moving to the new state or to a foreign country to the county sheriff with whom I last registered in Washington State.

If I am a resident of Washington and I am admitted to a public or private institution of higher education, I shall, within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff of the county of my residence of my intent to attend the institution.

If I lack a fixed residence, I am required to register. Registration must occur within 24 hours of release in the county where I am being supervised if I do not have a residence at the time of my release from custody or within 48 hours, excluding weekends and holidays, after ceasing to have a fixed residence. If I enter a different county and stay there for more than 24 hours, I will be required to register in the new county. I must also report in person to the sheriff of the county where I am registered on a weekly basis. The weekly report will be on a day specified by the county sheriff's office, and shall occur during normal business hours. I may be required to provide a list of the locations where I have stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level and shall make me subject to disclosure to the public at large pursuant to RCW 4.24.550.

If I apply for a name change, I must submit a copy of the application to the county sheriff of the county of my residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If I receive an order changing my name, I must submit a copy of the order to the county sheriff of the county of my residence and to the state patrol within five days of the entry of the order. RCW 9A.44.130(7).

Date: _____

Defendant's signature

MISC.

COURT OF WASHINGTON,
FOR _____
_____, Plaintiff
vs.
_____, Defendant

NO: _____

PETITION FOR DEFERRED PROSECUTION OF CRIMINAL MISTREATMENT CHARGE (DPPF)

VIOLATION DATE: _____

COMES NOW the defendant and petitions the court for deferred prosecution of a criminal mistreatment charge pursuant to RCW Chapter 10.05, and states as follows:

1. I am the natural or adoptive parent of the alleged victim.
2. The wrongful conduct charged is the result of parenting problems for which I am in need of services.
3. I am in need of child welfare services under chapter 74.13 RCW to improve my parenting skills in order to better provide my child(ren) with the basic necessities of life.
4. I want to correct my conduct to reduce the likelihood of harm to my child(ren).
5. I have cooperated with the Department of Social and Health Services to develop a plan to receive appropriate child welfare services.
6. I agree to pay the cost of the services if I am financially able to do so.
7. I understand that the court will not accept a petition for deferred prosecution from me if I sincerely believe that I am innocent of the crime(s) or if I sincerely believe that I do not need child welfare services.
8. I have not previously been placed on a deferred prosecution for a Chapter 9A.42 RCW or similar municipal ordinance violation.
9. The Department of Social and Health Services' case history and child welfare service plan have been filed with this petition pursuant to RCW 10.05.020.
10. I understand and acknowledge I have the following rights: (a) to have a lawyer represent me at all hearings; (b) to have a lawyer appointed at public expense if I cannot afford one; (c) to a speedy, public jury trial; (d) to appeal any conviction; (e) to remain silent and not testify; (f) to question witnesses who testify against me; (g) to call witnesses to testify for me, at no cost; (h) to be presumed innocent unless the charge(s) against me is proven beyond a reasonable doubt; and (i) to present evidence and a defense. By deferring prosecution on these charges, I understand I give up my right to: (a) a speedy trial; (b) a jury; (c) testify; (d) question witnesses; (e) call witnesses; and (f) present evidence or a defense.
11. I stipulate to the admissibility and sufficiency of the facts in the attached police reports. I acknowledge that the above items will be entered and used to support a finding of guilty if the deferred prosecution is revoked.
12. If my deferred prosecution is revoked and I am found guilty, I understand that I may be sentenced up to the maximum penalty allowed by law.
13. I understand that if I proceed to trial and I am found guilty, I may be allowed to seek suspension of some or all fines and incarceration if I seek treatment. I understand that I may seek treatment from a public or private agency at any time, whether or not I have been found guilty or placed on deferred prosecution.
14. I understand that if the court grants this petition, I may not operate a motor vehicle on the public highways without a valid operator's license and proof of liability insurance pursuant to RCW 46.29.490. I understand I may also be required to install an ignition interlock or other device on any motor vehicle I operate as set forth in RCW 46.20.720. I may also be required to pay restitution to victims, pay court costs, and pay probation costs authorized by law. The court may terminate the deferred prosecution program if I violate this paragraph.
15. I understand that if I fail or neglect to comply with any part of my service plan, or with any ignition interlock requirements, the court will hold a hearing to determine whether I should be removed from the deferred prosecution program. The termination of my parental rights with regard to the alleged victim due to abuse or neglect that occurred during the pendency of the deferred prosecution, shall be per se evidence that I did not successfully complete the service plan. After the hearing the court will either order that I continue with treatment or be removed from deferred prosecution and enter judgment. If I am convicted of a similar offense during the deferred prosecution, the court will revoke the deferred prosecution and enter judgment.
16. I understand that if the court grants my petition for deferred prosecution, the charge(s) against me in this case will be dismissed when the court receives proof that I have successfully completed the child welfare service plan, or the service plan has been terminated because the alleged victim has reached his or her majority and there are no other minor children in the home.

I certify under penalty of perjury under the laws of the state of Washington that I have read the foregoing and agree with all of its provisions and that all statements made are true and correct.

Dated at _____, Washington this _____ day of _____.

Petitioner-Defendant

Defense Attorney

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 02-15-183
AGENDA
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed July 24, 2002, 11:28 a.m.]

In accordance with RCW 34.05.314 following is the Department of Labor and Industries' semi-annual rules development agenda for July 1, 2002 - December 31, 2002.

Please contact Carmen Moore at (360) 902-4206 or e-mail at moog235@lni.wa.gov, if you have any questions.

Department of Labor and Industries
Semi-annual Rules Development Agenda
(July 1, 2002 - December 31, 2002)

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
DIVISION: Insurance Services						
Chapter 296-17 WAC	General reporting rules, classifications, audit and record keeping, rates and rating system for workers' compensation insurance	Ken Woehl Employer Services (360) 902-4775	6/19/02	9/18/02	11/20/02	Annual '2003' rates filing package - adjust the industrial insurance base rates based on current loss data and amend the retrospective rating tables and rules.
Chapter 296-17 WAC	General reporting rules, classifications, audit and record keeping, rates and rating system for workers' compensation insurance	Frank Romero Retrospective Rating (360) 902-4835	3/20/02	8/21/02	11/20/02	Retrospective rating program rules - reformatting existing rules and adding clarification of due dates, acceptance of faxed documents in lieu of originals, and modification to the reenrollment process.
Chapters 296-20 and 296-23 WAC, or other	Nursing home rate setting	Jim Dick Health Services Analysis (360) 902-5131	9/4/02	11/6/02	2/18/03	Define and establish and a new payment methodology for nursing homes and related services.
Chapter 296-20 WAC	Medical aid rules	Gary Franklin, MD Office of the Medical Director (360) 902-5020	9/19/01	8/7/02	10/20/02	The new rule would clarify whether the department will consider pain in an impairment rating above and beyond what is already taken into account in the category rating system or in the organ and body system ratings of the AMA's <i>Guides to the Evaluation of Permanent Impairment</i> .
Chapter 296-14 WAC	Industrial insurance	Gary Franklin, MD Office of the Medical Director (360) 902-5020	7/3/02	1/2/03	5/1/03	Pursuant to RCW 51.32.185, the purpose of this rule is to determine which fire fighters would be excluded from a presumption on heart and lung conditions due to current or past tobacco use.

MISC.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
WAC 296-20-02001	Medical aid rules - penalties	Gary Franklin, MD Office of the Medical Director (360) 902-5020	Expedited rule making 7/3/02		9/18/02	The department may delete this section through the expedited process. It simply refers the reader to chapter 51.48 RCW.
WAC 296-23-225	Specialty providers—Work hardening	Gary Franklin, MD Office of the Medical Director (360) 902-5020	Expedited rule making 7/3/02		9/18/02	This section pertains to work hardening services purchased by insurance services. This section is duplicated by WAC 296-23-235. For that reason, one will be deleted and there will be no impact on the purchasing of these services.
WAC 296-23-170, 296-23-175, 296-23-185	Specialty providers	Gary Franklin, MD Office of the Medical Director (360) 902-5020	Expedited rule making 7/3/02		9/18/02	These sections simply refer the reader to other WAC sections.
WAC 296-30-010	Definitions	Janice Deal Crime Victims Compensation (360) 902-5369	Potential filing 12/2002	To be determined	To be determined	RCW 7.68.070(17) authorizes a benefit of counseling for immediate family members of a homicide victim. The statute refers to "immediate near term consequences of the related effects of the homicide." Currently the crime victims compensation program has an internal policy defining the language of RCW 7.68.070(17). The crime victims compensation program is considering a rule to replace the internal policy.
WAC 296-30-010	Definitions	Janice Deal Crime Victims Compensation (360) 902-5369	Potential filing 12/2002	To be determined	To be determined	RCW 7.68.015 instructs the crime victims compensation program to operate within the appropriations provided for this program. The new rule will provide the remedy should there be a financial shortfall.
Chapter 296-15 WAC	Workers compensation self-insurance rules and regulations	George Pickett Self Insurance (360) 902-6907	7/24/02	1/3/03	4/1/03	Modifications in the following areas: Certification requirements, including both financial requirements and claims administration structure requirements, vocational reporting requirements, including ninety day employability assessment reports (EARs) and vocational rehabilitation outcome reporting, reporting requirements when initiating and terminating time loss, financial information reporting requirements, submissions of protests to the department, timeframes for payment of penalties.
Chapter 296-19A WAC	Vocational rehabilitation	Roy Plaeger-Brockway Health Services Analysis (360) 902-5052	12/18/01	10/2/02	1/03	Open WAC 296-19A-210 and possibly propose changes to minimum qualifications for vocational providers. In addition, open other sections of the rules to propose changes that improve clarity and ease of administration. The majority of changes are in response to stakeholder commentary gathered as part of the CR-101.
WAC 296-20-135	Conversion factors	Tom Davis Health Services Analysis (360) 902-6687	12/18/02	2/19/03	4/16/03	Update the conversion factors used by the department for calculating reimbursement rates for most professional health care and anesthesia services.

MISC.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
WAC 296-23-220	Physical therapy rules	Tom Davis Health Services Analysis (360) 902-6687	12/18/02	2/19/03	4/16/03	Update the maximum daily reimbursement level for physical therapy services so the department may, if necessary, give cost-of-living increases to affected providers.
WAC 296-23-220	Occupational therapy rules—Maximum daily reimbursement	Tom Davis Health Services Analysis (360) 902-6687	12/18/02	2/19/03	4/16/03	Update the maximum daily reimbursement level for occupational therapy services so the department may, if necessary, give cost-of-living increases to affected providers.
Chapter 296-14 WAC	Industrial insurance—Mortality assumptions	Valerie Grimm Policy and Quality Coordination (360) 902-5005	6/20/01	10/2002	5/2003	This rule making will provide updates to mortality assumptions used to determine pension reserves and actuarial benefit reductions.
Chapter 296-14 WAC	Industrial insurance	Valerie Grimm Policy and Quality Coordination (360) 902-5005	10/3/01	8/2002	10/2002	This rule making will provide methods and factors included in the calculation of the worker's wage at the time of injury.
Chapter 296-14 WAC	Industrial insurance	Valerie Grimm Policy and Quality Coordination (360) 902-5005	8/2002	11/2002	3/2003	This rule making will provide clarification on how to determine a worker's employment pattern at the time of injury or on the date of disease manifestation for the purpose of calculating the worker's wage.
Chapter 296-14 WAC	Industrial insurance	Valerie Grimm Policy and Quality Coordination (360) 902-5005	10/2002	4/2003	6/2003	This rule making will provide definitions for terms used within chapter 296-14 WAC and will identify and move definitions currently in chapter 296-20 WAC that need to be placed in chapter 296-14 WAC, such as total temporary disability. The rule will include amendment of the definition of temporary partial disability.
Chapters 296-255 and 296-270 WAC	Industrial insurance—Independent medical examinations (IMEs)	Dave Overby Health Services Analysis (360) 902-6791	8/2002	2/2003	5/2003	This rule will amend the current rules to improve the quality of independent medical examinations (IMEs).
DIVISION: Washington Industrial Safety and Health Act (WISHA)						
Chapter 296-24 WAC, General safety and health standards	Late night retail	Kim Rhoads Policy and Quality Coordination (360) 902-5008 Sally Elliott Policy and Quality Coordination (360) 902-5484	2/02	4/3/02	8/1/02	To revise and adopt requirements relating to late night retail, while rewriting the standard in the clear rule-writing format.
Chapter 296-24 WAC, General safety and health standards	Machine guarding	Steve Vik Policy and Quality Coordination (360) 902-4568 Sally Elliott Policy and Quality Coordination (360) 902-5484	2/21/01	To be determined	To be determined	To revise and adopt requirements relating to machine guarding, while rewriting the standard in the clear rule-writing format.

MISC.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
Chapter 296-24 WAC, General safety and health standards	Portable power tools	Jim Hughes Policy and Quality Coordination (360) 902-4504 Sally Elliott Policy and Quality Coordination (360) 902-5484	7/17/02	12/4/02	To be deter- mined	To revise and adopt requirements relat- ing to portable power tools, while rewrit- ing the standard in the clear rule-writing format.
Chapter 296-24 WAC, General safety and health standards	Temporary hous- ing for workers	Kim Rhoads Policy and Quality Coordination (360) 902-5008 Sally Elliott Policy and Quality Coordination (360) 902-5484	8/7/02 Expedited rule making		11/20/02	To revise and adopt requirements relat- ing to temporary housing for workers, while rewriting the standard in the clear rule-writing format.
Chapter 296-24 WAC, General safety and health standards	Window cleaning	Steve Vik Policy and Qual- ity Coordination (360) 902-4568 Sally Elliott Policy and Quality Coordination (360) 902-5484	4/17/02	6/19/02	10/2/02	To revise and adopt requirements relat- ing to window cleaning, while rewriting the standard in the clear rule-writing for- mat.
Chapter 296-28 WAC, Clearance rules—Railroads in private yards and plants	Railroads	Kim Rhoads Policy and Quality Coordination (360) 902-5008 Sally Elliott Policy and Quality Coordination (360) 902-5484	8/30/00	3/20/02	7/3/02	To revise and adopt requirements relat- ing to railroad clearances, while rewrit- ing the standard in the clear rule-writing format.
Chapter 296-52 WAC, Possession and handling explosives	Explosives	Sally Elliott Policy and Quality Coordination (360) 902-5484	7/24/02 Expedited rule making		11/6/02	To revise the explosives rule based upon chapter 370, Laws of 2002, 2SSB 6080.
Chapter 296-62 WAC, General occupational health standards	Bloodborne patho- gens	Steve Vik Policy and Quality Coordination (360) 902-4568 Sally Elliott Policy and Quality Coordination (360) 902-5484	9/02	12/18/02	4/02	To revise and adopt requirements relat- ing to bloodborne pathogens, while rewriting the standard in the clear rule- writing format.
Chapter 296-62 WAC, General occupational health standards	Confined space	Carol Stevenson Policy and Quality Coordination (360) 902-4778 Sally Elliott Policy and Quality Coordination (360) 902-5484	6/19/02	12/18/02	4/02	To revise and adopt requirements relat- ing to confined space, while rewriting the standard in the clear rule-writing for- mat.
Chapter 296-62 WAC, General occupational health standards	Hazardous waste	Jim Hughes Policy and Quality Coordination (360) 902-4504 Sally Elliott Policy and Quality Coordination (360) 902-5484	4/26/00	11/6/02	2/03	To review for possible updates to Part P for requirements relating to hazardous waste operations and environmental controls, while rewriting the standard in the clear rule-writing format.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
Chapter 296-62 WAC, General occupational health standards	Hearing conserva-tion	Cindy Ireland Policy and Quality Coordination (360) 902-5522 Sally Elliott Policy and Quality Coordination (360) 902-5484	6/19/02	11/20/02	3/03	To revise and adopt requirements relat-ing to hearing conservation, while rewriting the standard in the clear rule-writing format.
Chapter 296-62 WAC, General occupational health standards	Manufacturers importers and dis-tributors hazard communication	Kim Rhoads Policy and Quality Coordination (360) 902-5008 Sally Elliott Policy and Quality Coordination (360) 902-5484	5/1/02	8/7/02	12/4/02	To revise and adopt requirements relat-ing to manufacturers importers and dis-tributors hazard communication, while rewriting the standard in the clear rule-writing format.
Chapter 296-62 WAC, General occupational health standards	Respiratory pro-tection	Kim Rhoads Policy and Quality Coordination (360) 902-5008 Sally Elliott Policy and Quality Coordination (360) 902-5484	5/22/02	2/03	5/03	To revise and adopt requirements relat-ing to respiratory protection, while rewriting the standard in the clear rule-writing format.
Chapter 296-307 WAC, Safety stan-dards for agricul-ture	Cherry harvest	Sally Elliott Policy and Quality Coordination (360) 902-5484	8/21/02 Expedited rule making		11/20/02	To revise the cherry harvest rule based upon chapter 370, laws of 2002, SB 6328.
Chapter 296-62 WAC, General occupational health standards	Cholinesterase monitoring	Cindy Ireland Policy and Quality Coordination (360) 902-5522 Sally Elliott Policy and Quality Coordination (360) 902-5484	3/6/02	10/2/02	1/15/03	The Washington State Supreme Court ruling, <i>Rios v. Dept of Labor and Indus-tries</i> , ordered the department to initiate rule making on a mandatory cholinest-erase program for agricultural pesticide handlers.
Chapter 296-800 WAC, Safety and health core rules	Core rules	Cindy Ireland Policy and Quality Coordination (360) 902-5522 Sally Elliott Policy and Quality Coordination (360) 902-5484	2/6/02	5/23/02	7/1/02	The core rules are being updated to cor-rect and clarify language and format that users of the core rule have discovered since the rule was implemented. Emer-gency washing, chemical hazard control, and biological agents will be added to the core rules.
DIVISION: Specialty Compliance Services						
Chapter 296-130 WAC	Family care	Rich Ervin (360) 902-5310 Josh Swanson (360) 902-6411	5/22/02	8/21/02	10/1/02	The purpose of this rule making is to: <ul style="list-style-type: none"> • Make changes resulting from the enactment of chapter 243, Laws of 2002 (SSB 6426); and • Make clarifying and housekeeping changes.
Chapters 296-150M and 296-150F WAC	Manufactured homes and fac-tory-built housing and commercial structures	Pete Schmidt (360) 902-5571 Josh Swanson (360) 902-6411	1/15/01	8/7/02	9/16/02	The purpose of this rule making is to: <ul style="list-style-type: none"> • Make changes resulting from the enactment of chapter 268, Laws of 2002 (SSB 6364); • Permanently adopt the emergency rules that went into effect on June 28, 2002 (see WSR 02-14-073); and • Make clarifying and housekeeping changes.

MISC.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
Chapter 296-96 WAC	Safety regulations and fees for all elevators, dumbwaiters, escalators and other conveyances	Josh Swanson (360) 902-6411	1/2/02	9/4/02	12/1/02	The purpose of this rule making is to: <ul style="list-style-type: none"> • Make changes resulting from the enactment of chapter 98, Laws of 2002 (SHB 2629); • Make substantive changes to the elevator rules that were adopted on December 22, 2000 (see WSR 01-02-026); and • Make clarifying and housekeeping changes.
Chapter 296-200A WAC	Contractor certificate of registration renewals—Security—Insurance	Pete Schmidt (360) 902-5571 Josh Swanson (360) 902-6411	6/20/01	8/21/02	10/1/02	The purpose of this rule making is to: <ul style="list-style-type: none"> • Make changes resulting from the enactment of chapter 159, Laws of 2001 (SSB 5101); • Review the rules for possible substantive changes; and • Make clarifying and housekeeping changes.
Chapters 296-402A and 296-403 WAC	Electrical evaluation/certification laboratory accreditation and amusement rides or structures	Ron Fuller (360) 902-5249 Josh Swanson (360) 902-6411	7/18/01	4/17/02	8/1/02	The purpose of this rule making is to: <ul style="list-style-type: none"> • Make substantive changes to the carnival rules with the assistance of an advisory committee; and • Incorporate a policy in order to create a regulatory mechanism to address equipment that is approved by an accredited testing laboratory but may be unsafe and dangerous.
Chapters 296-13, 296-46A, 296-401B, and 296-402A WAC	Practice and procedure—Electrical board; safety standards—Installing electric wires and equipment—Administrative rules; Certification of competency for journeyman electricians; and Electrical evaluation/certification laboratory accreditation	Ron Fuller (360) 902-5249 Josh Swanson (360) 902-6411	7/24/02	10/2/02	12/1/02	The purpose of this rule making is to: <ul style="list-style-type: none"> • Make changes resulting from the enactment of chapter 249, Laws of 2002 (ESB 6630); • Adopt the latest edition of the National Electrical Code; and • Make clarifying and housekeeping changes.
Chapter 296-104 WAC	Board of boiler rules—Substantive	Robert Marvin (360) 902-5270 Josh Swanson (360) 902-6411	4/17/02	8/7/02	11/1/02	The Board of Boiler Rules for possible changes will review these rules.
Chapter 296-400A WAC	Certification of competency for journeyman plumbers	Pete Schmidt (360) 902-5571 Josh Swanson (360) 902-6411	4/17/02	8/21/02	10/1/02	The purpose of this rule making is to: <ul style="list-style-type: none"> • Make changes resulting from the enactment of chapter 82, Laws of 2001 (ESHB 2470); • Review the rules for possible substantive changes; and • Make clarifying and housekeeping changes.
Chapter 296-125 WAC	Nonagricultural employment of minors	Rich Ervin (360) 902-5310 Josh Swanson (360) 902-6411	9/19/01	9/1/02	12/1/02	Rules are being reviewed for possible changes to ensure conformity with federal laws pertaining to employment of minors where those laws are more restrictive.

MISC.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
Chapter 296-127 WAC	Prevailing wage	Rich Ervin (360) 902-5310 Josh Swanson (360) 902-6411	7/19/00	10/2/02	12/1/02	The purpose of this rule making is to repeal and/or revise WAC 296-127-018 Coverage and exemptions of workers involved in the production and delivery of gravel, concrete, asphalt, or similar materials.
Chapter 296-127 WAC	Prevailing wage	Rich Ervin (360) 902-5310 Josh Swanson (360) 902-6411	7/19/00	7/31/03	10/31/03	The purpose of this rule making is to make substantive changes to the scope of work description rules that were adopted July 19, 2000 (WSR 00-15-077) with the assistance of an advisory committee. Clear rule writing principles will be applied to these rules.
Chapter 296-128 WAC	Minimum wages	Rich Ervin (360) 902-5310 Josh Swanson (360) 902-6411	12/5/01	To be determined	To be determined	Rules are necessary to clarify the requirements for salary basis pay as a result of a Washington State Supreme Court decision (<i>Drinkwitz v. Alliant Techsystems, Inc.</i> , 140 Wn 2d 291 (2000)).

Carmen Moore, Esq.
Rules Coordinator

WSR 02-15-187
AGENDA
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
[Filed July 24, 2002, 11:35 a.m.]

about current DSHS rule-making activity is also available online at <http://www.wa.gov/dshs/dockets/rpau.html>.

If you are interested in receiving DSHS rule-making notices, please contact Fred Swenson at the RPAU mailing address above, by phone at (360) 664-6097 or by e-mail at SwensFH@dshs.wa.gov.

At the end of the tables are explanations of the terms CR-101, CR-102 and CR-103.

Following is the Department of Social and Health Services (DSHS) semi-annual rule-making agenda, listed by DSHS administration, for July 1, 2002, through December 31, 2002. DSHS is filing this agenda for publication in the state Register pursuant to RCW 34.05.314. It also will be distributed to interested parties.

This report represents rule-making activity that can be forecast at this time. There may be additional rule-making activity to implement directives of the legislature, to comply with federal mandates, or to respond to unforeseen circumstances.

Semi-Annual Rule-Making Agenda
July 1, 2002 through December 31, 2002

This agenda describes the anticipated rule-making activity by DSHS administrations and divisions from July 1, 2002, through December 31, 2002. DSHS publishes this rule-making agenda semi-annually according to RCW 34.05.314.

The agenda describes rule-making activity that can be forecast at this time. There may be additional DSHS rule-making activity during this period to comply with the legislature's directives, to meet federal mandates, or to respond to unforeseen circumstances.

For questions about this rule-making agenda and the DSHS rule-making process, please contact the DSHS Rules and Policies Assistance Unit (RPAU), by mail at P.O. Box 45850, Olympia, WA 98504-5850, by phone at (360) 664-6094, or by e-mail at FernaAX@dshs.wa.gov. Information

MISC.

AGING AND ADULT SERVICES ADMINISTRATION (AASA)

AASA Home and Community Services Division			
WAC Chapter or WAC Section #	Chapter, Subpart Caption	Subject Matter or Section Caption	Anticipated Actions in this Period
WAC 388-15-650 through 388-15-662	Adult day services.	Same.	CR-101, CR-102 Moving and revising Adult Day Care/Adult Day Health rules from chapter 388-15 WAC to chapter 388-71 WAC.
Chapter 388-15 WAC and related chapters	Social services for families, children and adults.	Home and community services.	CR-102, CR-103 Revising remaining Home and Community Services rules currently in chapter 388-15 WAC and moving the rules into chapter 388-71 WAC. Updating obsolete WAC cross-references. Clarifying requirements for comprehensive assessments.
WAC 388-71-1065 through 388-71-1095	Respite care.	Family caregiver support program.	CR-101 Amending the respite care subchapter to include the family caregiver support program per state legislation.
Chapter 388-71 WAC		Comprehensive assessment.	CR-101 Phasing implementation of the new comprehensive assessment model in 2003.
WAC 388-76-535 and 388-76-570	Adult family homes.	Authority.	CR-103 To update rule to reflect changes in statute as a result of new legislation (HB 2444).
WAC 388-76-61510	Adult family homes.	When must the negotiated care plan be developed?	CR-103 This will change a requirement from fourteen days upon admission to thirty days for a care plan to be developed, allowing providers/residents more time to become acquainted with the resident's needs/services.
WAC 388-76-640	Adult family homes.	Resident medications.	CR-103 This WAC change was initiated to encompass the introduction of chapter 246-888 WAC, Medication assistance promulgated by the Board of Pharmacy.
WAC 388-76-710	Adult family homes.	Notice, hearing rights, and effective dates relating to imposition of remedies.	CR-103 This is to reflect a change in an address.
WAC 388-76-765 (repeal and adopting related new rules)	Adult family homes.	Fire safety.	CR-102, CR-103 This WAC change will incorporate recent building code changes for adult family homes and to establish more detailed expectations around resident life safety issues.

<p>WAC 388-78A-010, 388-78A-020, 388-78A-030, 388-78A-040, 388-78A-045, 388-78A-050, 388-78A-055, 388-78A-060, 388-78A-065, 388-78A-070, 388-78A-080, 388-78A-090, 388-78A-100, 388-78A-110, 388-78A-120, 388-78A-130, 388-78A-140, 388-78A-150, 388-78A-160, 388-78A-170, 388-78A-180, 388-78A-190, 388-78A-200, 388-78A-210, 388-78A-220, 388-78A-230, 388-78A-240, 388-78A-250, 388-78A-260, 388-78A-268, 388-78A-280, 388-78A-290, 388-78A-300, 388-78A-310, 388-78A-320, 388-78A-330, 388-78A-335, 388-78A-340, and 388-78A-990</p>	<p>Boarding homes.</p>	<p>Same.</p>	<p>CR-102, CR-103 To review and update rules to be consistent with current practices in residential care and to make it more applicable to today's boarding home residents.</p>
<p>WAC 388-78A-265</p>	<p>Boarding homes.</p>	<p>Nurse delegation.</p>	<p>CR-103 Amending the rule to be in compliance with chapter 18.79 RCW and to update outdated RCW references.</p>
<p>WAC 388-79-010, 388-79-020, 388-79-030, and 388-79-040</p>	<p>Guardianship fees for clients of the department.</p>	<p>Same.</p>	<p>CR-102 Amending guardianship rules to provide a total of thirty days notice of proceedings; to provide deductions from client participation for fees and costs; and to limit the courts ability to adjust guardianship fees after services are rendered.</p>
<p>WAC 388-97-005, 388-97-043, 388-97-07005, 388-97-07040, 388-97-07050, 388-97-076, 388-97-160, 388-97-162, 388-97-180, 388-97-202, 388-97-203, 388-97-205, 388-97-260, 388-97-35040, 388-97-285, 388-97-570, 388-97-575, 388-97-580, 388-97-585, 388-97-595, 388-97-610, 388-97-615, 388-97-620, 388-97-625, 388-97-630, 388-97-635, 388-97-640, 388-97-645, 388-97-650, 388-97-655, 388-97-660, 388-97-665, 388-97-670, 388-97-675, 388-97-680, 388-97-685, 388-97-690, and 388-97-695</p>	<p>Nursing homes.</p>	<p>Same.</p>	<p>CR-103 To review and update rules to be consistent with current statute and clarify requirements. Also repealing all rule sections in chapter 388-98 WAC and incorporating subject matter as new rules in chapter 388-97 WAC.</p>
<p>Chapter 388-97 WAC</p>	<p>Nursing homes.</p>	<p>Inspections and deficiency citation report.</p>	<p>CR-103 To review and update rules to be consistent with current statute and clarify requirements.</p>
<p>WAC 388-97-570</p>	<p>Nursing homes.</p>	<p>Reasons for denial, suspension, modification, revocation of, or refusal to renew a nursing home license.</p>	<p>CR-101, CR-102, CR-103 This change is to make the rule consistent with new legislation (SHB 2382).</p>

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Chapter 388-97 WAC	Nursing homes.	New section Infection control.	CR-102, CR-103 To add a new section to the infection control subchapter to include immunization requirements as a result of legislation (2ESSB 5291).
Chapter 388-112 WAC (new) and related WAC	Residential long-term care services.	Basic training and specialized training standards.	CR-103 Adopting a new chapter, amending related rules and repealing outdated rules on basic and specialized training requirements in adult family homes and boarding homes to implement recent legislation (chapter 121, Laws of 2000 and chapter 233, Laws of 2002).
CHILDREN'S ADMINISTRATION			
New chapter 388-145 WAC	Emergency respite centers.	Licensing standards.	CR-102 New rules written to implement legislation (chapter 230, Laws of 2001).
Chapter 388-148 WAC	Foster homes and Facility licensing requirements.	Same.	CR-102 Workgroup to be convened to develop amendments and additions to licensing chapter identified as problematic.
Possible new chapter 388-180 WAC	Washington School for the Deaf.	Health and safety standards.	CR-102 New rules to be written to implement legislation (SHB 2568).
Chapter 388-27 WAC	Child welfare services—Adoption services and adoption support.	Adoption support eligibility.	CR-101, CR-102 Amending adoption support rules to clarify eligibility.
Chapter 388-15 WAC	(Currently) Social services for families, children, and adults.	Chapter renamed as: Child Protective Services.	CR-103 Revising and reorganizing child protective services rules.
ECONOMIC SERVICES ADMINISTRATION			
WAC 388-14A-2000, 388-14A-2025, 388-14A-2080, 388-14A-3800, 388-14A-3810, 388-14A-4000, 388-14A-4300, and 388-14A-4304	Division of child support rules.	Modifying support obligations.	CR-101 Amending the rules to allow the Division of Child Support (DCS) to modify support obligations when both parties make informal arrangements and are unable to return to court to officially change the support order.
WAC 388-14A-3100, 388-14A-3102, 388-14A-3110, 388-14A-3115, 388-14A-3120, 388-14A-3370, and 388-14A-3810	Division of child support rules.	Uniform Parentage Act.	CR-101 Bringing DCS rules into compliance with new legislation (chapter 302, Laws of 2002).
WAC 388-14A-3900 to 388-14A-3925	Division of child support rules.	Modification of a support order.	CR102, CR-103 Allowing for modification of a support order when it will not change by more than the current standard.
WAC 388-14A-4100, 388-14A-4110, 388-14A-4120, and 388-14A-4130	Division of child support rules.	Medical child support obligations.	CR-101 Developing new rules and procedures for enforcing medical child support obligations using the National Medical Support Notice.

WAC 388-150-0090, 388-151-0090, and 388-155-0090	Child care— Minimum licensing requirements.	Background checks; notifying parents of pesticide use.	CR-103 Amending rules to correct background check citations.
Chapter 388-150 WAC	Minimum licensing requirements for child care centers.	Same.	CR-101 Revising, repealing and moving the current chapter 388-150 WAC into a new chapter 388-295 WAC.
WAC 388-151-020, 388-151-097, and 388-151-230, and 388-155-320	Minimum licensing requirements—Child care centers.	Same.	CR-103 Making correct technical errors made in the previous amendments. The effect of these WAC will remain unchanged.
Chapter 388-265 WAC	Payment of grants.	Protective payees.	CR-103 Amending rules to alter protective payee policies. Chapter 388-265 WAC rules will be moved to chapter 388-460 WAC.
WAC 388-273-0020	Washington telephone assistance program (WTAP).	Who may receive WTAP?	CR-102, CR-103 Specifying where applicants apply for Washington telephone assistance (WTAP) and making WTAP rules consistent with rules of the state Utilities and Transportation Commission.
WAC 388-290-0010, 388-290-0075, and 388-290-0085	Working connections child care.	Upper income eligibility limits.	CR-103 Amendments will reduce the upper income limit for eligibility for the working connections child care program and increase copayment levels.
WAC 388-290-0125, 388-290-0190, 388-290-0200, 388-290-0225, 388-290-0245, 388-290-0010, 388-290-0015, 388-290-0020, 388-290-0035, 388-290-0040, 388-290-0045, 388-290-0050, 388-290-0055, 388-290-0080, 388-290-0085, 388-290-0095, 388-290-0105, 388-290-0120, 388-290-0130, 388-290-0135, 388-290-0205, 388-290-0230, 388-290-0145, 388-290-0150, 388-290-0155, 388-290-0160, 388-290-0165, and 388-290-0180	Working connections child care.	Seasonal day camps; background inquiry process.	CR-103 Adding seasonal day camps as a type of provider, and clarify the background inquiry process. The language of these WACs will also be corrected and clarified where necessary.
Chapter 388-290 WAC	Working connections child care.	Background checks.	CR-103 Clarifying the process for background checks for the WCCC program.
WAC 388-310-0200, 388-310-0350, and 388-310-0400	Workfirst.	TANF/SFA sixty-month time limit.	CR-103 Implementing the policy for the sixty-month time limit of TANF/SFA cases.
WAC 388-310-0300 and 388-310-1450	Workfirst.	One-time participation exemption for a parent of an infant child.	CR-103 Amending rules to implement legislation (HB 1144).

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WAC 388-310-1000, 388-310-1050, 388-310-1700, 388-310-1800, and 388-290-0255	Workfirst. Working connections child care.	TANF/SFA sixty- month time limit.	CR-103 Implementing the policy for the sixty- month time limit of TANF/SFA cases.
WAC 388-310-1300	Workfirst.	Community jobs program.	CR-101, CR-102 Expanding the Community Jobs program to include private businesses.
WAC 388-310-1600	Workfirst.	Workfirst—San- ctions.	CR-102, CR-103 Altering the sanction process for Work- First participants.
WAC 388-310-1600, 388-484- 0005, and 388-484-0006	Workfirst, TANF/SFA five year time limit.	Sanctions and extensions.	CR-103 Implementing the sanctions for all clients and extension rules for clients who exceed the TANF/SFA sixty-month time limit.
WAC 388-310-1650 (new)	Workfirst.	Child safety net payment status.	CR-103 Creating the child safety net payment sta- tus for clients who are in sanction for not meeting WorkFirst program require- ments and have surpassed the sixty- month time limit for TANF/SFA.
Chapter 388-310 WAC	Workfirst.	Participation requirements.	CR-102, CR-103 Changing participation requirements for WorkFirst.
WAC 388-400-0030	Program summary.	Refugee cash assistance—Sum- mary of eligibility requirements.	CR-101, CR-102, CR-103 Coordinating amendments with the recent revisions to WAC 388-466-0120.
WAC 388-406-0055	Applications.	Can I apply for cash, medical, or food assistance?	CR-102, CR-103 Bringing current rule in line with federal rules that specify the eligibility date for food assistance households.
Chapters 388-406 WAC 388-414 WAC 388-416 WAC 388-418 WAC 388-434 WAC 388-450 WAC 388-452 WAC 388-470 WAC	Applications. Categorical eligibility for food assistance. Certification periods. Change of circum- stance. Eligibility reviews and recertification. Income. Interview require- ments. Resources.	Same.	CR-102, CR-103 Amending rules in these chapters relating to food assistance to implement changes in federal regulations and exercise state options for the food stamp program.
Chapter 388-408 WAC	Assistance units.	Same.	CR-102, CR-103 This chapter will be revised to simplify the rules regarding inclusion in the assis- tance unit.

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WAC 388-412-0025	Benefit issuances.	How do I get my benefits?	CR-101 Correcting rules concerning the cancellation of electronic benefits transfer (EBT) accounts after ninety days of inactivity. EBT accounts will no longer be cancelled after ninety days of inactivity.
WAC 388-414-0001	Categorical eligibility for food assistance.	Some food assistance units do not have to meet all eligibility requirements.	CR-101 Amendment will reflect changes in WorkFirst support services that impact which clients are categorically eligible for food assistance and do not have to meet certain requirements to get food assistance benefits.
WAC 388-418-0020 WAC 388-458-0030	Change of circumstance. Notices to clients.	Same.	CR-102 Amendments due to a federal rule change that requires the department to send a letter requesting information when we learn about a change and are not sure what impact the change will have on benefits.
Chapters 388-418 WAC 388-424 WAC 388-444 WAC 388-450 WAC 388-478 WAC	Change of circumstance. Citizenship/ alien status. Food stamp employment and training. Income. Standards for payments.	Eligibility and benefit level.	CR-102, CR-103 Amending all necessary sections of Title 388 WAC to implement changes that effect client's eligibility and benefit level for food stamps and the state-funded food assistance program for legal immigrants.
Chapter 388-422 WAC	Child support.	Same.	CR-102, CR-103 Update and amend references to incorporate recent changes made to Division of Child Support rules.
WAC 388-434-0005 WAC 388-406-0010 WAC 388-416-0005	Eligibility reviews and recertification. Applications. Certification periods.	Same.	CR-102, CR-103 These rules are being simplified in order to reduce workload in light of a division budget reduction.
WAC 388-434-0010, 388-434-0015, 388-434-0020, and 388-434-0025	Eligibility reviews and recertification.	Food stamp program—State options.	CR-103 Amending rules on food assistance to implement changes in federal regulations and exercise state options for the food stamp program.
Chapter 388-440 WAC Chapter 388-426 WAC	Exception to rule. Client complaints.	Same.	CR-102, CR-103 Clarifying program requirements on exceptions and complaints and to comply with clear-writing guidelines of the Governor's Executive Order 97-02.
Chapter 388-444 WAC	Food stamp employment and training.	Same.	CR-102, CR-103 To simplify and update language so that the rules are easier to read and use.

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WAC 388-448-0180	Incapacity.	How and when we redetermine your eligibility if we decide you are eligible for GAX.	CR-102 Amending the rule to make reference to the correct type of hearing. "Administrative hearing" needs to be replaced by "appeals court review."
Chapter 388-448 WAC	Incapacity.	Individual responsibility plan requirements—General assistance.	CR-102, CR-103 Developing new individual responsibility plan requirements for general assistance recipients enrolled in WorkPlus.
WAC 388-450-0015 and 388-450-0055	Income.	Refugee cash assistance.	CR-103 Modifying rules to reflect new federal regulations that require the department to exclude payments from the United States Department of State or Department of Justice Reception and Replacement Programs.
WAC 388-450-0015, 388-450-0055 and related rules	Income.	Volunteer agency (VOLAG) payments.	CR-102, CR-103 Amending rules concerning VOLAG payments when they are not intended to cover normal living expenses.
WAC 388-450-0075	Income.	Income from time-loss compensation.	CR-101 Amending the rule to standardize the way time loss income is treated across all types of assistance.
WAC 388-450-0116	Income.	Allocating the income of a financially responsible person excluded from the assistance unit because of their alien status.	CR-103 Modifying rules to reflect new federal regulations that require refugee cash assistance to use the same rules as temporary assistance to needy families (TANF).
WAC 388-450-0135	Income.	Allocating income of an ineligible spouse to a GA-U client.	CR-101 Simplifying how the department allocates income from an ineligible spouse to a general assistance recipient.
WAC 388-450-0140	Income.	How does the income of an ineligible assistance unit member affect my eligibility and benefits for food assistance?	CR-101, CR-102, CR-103 Implementing federal regulations on the impact of the income and expenses of an ineligible assistance unit member.
WAC 388-450-0190, 388-450-0195, and 388-478-0060	Income. Standards for payments.	Same.	CR-102, CR-103 Amending rules to be consistent with federal standards and limits.
WAC 388-450-0230	Income.	Treatment of income in the month of application for destitute food assistance households.	CR-101, CR-102, CR-103 Correcting the current rule, which only disregards a new source of income for destitute household for ten days after applying for food assistance. Federal rules require that any new income be disregarded.

Chapter 388-450 WAC and related chapters	Income.	Same.	CR-102, CR-103 Simplifying income rules and make them more consistent across program lines.
Chapter 388-450 WAC and related chapters	Income.	TANF/SFA 20% hardship extension.	CR-102, CR-103 Creating new rules for the TANF and state financial assistance (SFA) 20% hardship extension.
Chapter 388-450 WAC	Income.	Income budgeting.	CR-102, CR-103 Revising rules to incorporate federal requirements on income budgeting into the rule.
WAC 388-454-0006, and 388-454-0025	Living with a relative.	Background checks.	CR-101 Revising rules on background checks on adults who are acting <i>in loco parentis</i> without court ordered custody.
Chapter 388-454 WAC	Living with a relative.	Background checks.	CR-102, CR-103 Amending rules to include additional background checks required for the determination of <i>in loco parentis</i> eligibility.
WAC 388-460-0001, 388-460-0020, 388-460-0025, 388-460-0030, 388-460-0035, 388-460-0040, 388-460-0045, 388-460-0050, 388-460-0055, 388-460-0060, 388-460-0065, and 388-460-0070	Payees on benefit issuances.	Protective payees.	CR-101 Simplifying rules on protective payees and introduce a variety of changes.
WAC 388-470-0075	Resources.	How vehicles are counted toward the resource limit for cash assistance and TANF/SFA-related medical.	CR-101 Amending the rule to elaborate on how the department treats vehicles in resource calculations for food assistance.
Chapter 388-474 WAC	Supplemental security income.	State supplemental payment program eligibility.	CR-102, CR-103 Amending this chapter to implement changes in eligibility for the state supplemental payment program.
WAC 388-478-0055	Standards for payments.	Supplemental security income (SSI) cost of living adjustment (COLA).	CR-102, CR-103 SSI standards are being amended to make a COLA adjustment to the SSI program.
Chapter 388-492 WAC	Washington combined application project.	Same.	CR-102, CR-103 Amending rules to reflect refinements in program policy, implement requirements to the program, add needed information and rewrite the rules for clarity.
WAC chapter not yet specified		Client reporting requirements.	CR-102, CR-103 Implementing quarterly reporting for clients.
WAC chapter not yet specified		Overpayments to clients.	CR-102, CR-103 Eliminating overpayments caused by agency error and amend all related rules.

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HEALTH AND REHABILITATIVE SERVICES ADMINISTRATION (HRSA)			
HRSA Division of Developmental Disabilities (DDD)			
WAC 388-820-030, 388-820-090, 388-820-320, 388-820-330, 388-820-350, 388-820-560, 388-820-580, and 388-820-650	DDD community residential services and supports.	What are residential services?	CR-101, CR-102, CR-103 Amending and clarifying language.
WAC 388-820-100	DDD community residential services and supports.	When must service provider document a client's refusal to participate in services?	CR-102, CR-103 Correcting obsolete and incorrect WAC cross references.
WAC 388-820-260	DDD community residential services and supports.	Service providers documents approved by DDD.	CR-101, CR-102, CR-103 Adding a new requirement on incident reporting.
Chapters 388-820 WAC 388-825 WAC 388-850 WAC	Community residential services and support. DDD services rules. County plan for mental health, developmental disabilities.	Same.	CR-101, CR-102, CR-103 Amending and adopting new rules to implement legislation (SSB 6387) on DDD state supplementary payment program; and revising eligibility rules.
WAC 388-825-020, 388-825-025, 388-825-030, 388-825-035, 388-825-045, 388-825-050, 388-825-055, 388-825-100, 388-825-120, 388-825-205, 388-825-210, 388-825-234, 388-825-248, 388-825-250, 388-825-252, and 388-825-270	DDD service rules.	Same.	CR102, CR-103 Correcting obsolete and incorrect WAC and RCW cross references.
Chapter 388-826 WAC (new)	DDD.	Voluntary placement program rules for children under age eighteen in out-of-home care when parents request placement solely due to child's disability.	CR-102, CR-103 Implementing rules for voluntary placement program.
WAC 388-830-015, 388-830-020, 388-830-025, 388-830-035, 388-830-0110, 388-830-0180, 388-830-0265, 388-830-0395, 388-830-0575, 388-830-0745, and 388-830-0755	DDD program option rules.	Same.	CR-102, CR-103 Correcting obsolete and incorrect WAC and RCW cross references.
WAC 388-835-0110, 388-835-0180, 388-835-0265, 388-835-0395, 388-835-0575, 388-835-0745, and 388-835-0755	ICF/MR program and reimbursement system.	Same.	CR-102, CR-103 Correcting obsolete and incorrect WAC and RCW cross references.
WAC 388-850-015, 388-850-025, and 388-850-050	County plan for developmental disabilities.	Same.	CR-102, CR-103 Correcting obsolete and incorrect WAC and RCW cross references.

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Chapter 388-850 WAC	County plan for DDD.	Same.	CR-101, CR-102, CR-103 Revising rules in clear writing format per governor's Executive Order 97-02; amend and add language to implement legislation (SSB 6387) the DDD state supplementary payment program .
WAC 388-853-010, 388-853-030, 388-853-035, and 388-853-080	Costs of care of mentally deficient persons residing in state institutions.	Same.	CR-102, CR-103 Correcting obsolete and incorrect WAC and RCW cross references.
HRSA Division of Alcohol and Substance Abuse			
Chapter 388-800 WAC	Chemical dependency assistance programs.	Same.	CR-102, CR-103 Amending rules to implement SB 6482 removing the 180-day limit on treatment services.
Chapter 388-805 WAC	Certification requirements for chemical dependency treatment providers.	Opiate substitution treatment programs.	CR-102 Amending and adopting rules implementing SSB 5417 on certifying opiate substitution treatment programs.
HRSA Division of Vocational Rehabilitation			
Chapter 388-890 WAC	Rehabilitation services for individuals with disabilities.	Vocational rehabilitation and independent living case services to individuals with disabilities.	CR-102 Amending rules to comply with changes in federal and state laws, and with requirements of the department. Vocational rehabilitation services will be moved to a new chapter of Title 388 WAC.
WAC 490-500-520 (repeal and create new DVR chapter 388-XXX)	Purchase of services— Selection criteria— Community rehabilitation programs.	Change standards for community rehabilitation programs. Create standards for assistive technology service providers.	CR-102 Amending rules to comply with changes in federal and state laws, and with requirements of the department. Subject matter will be adopted as a new chapter of Title 388 WAC.
Juvenile Rehabilitation Administration			
Chapter 388-700 WAC	Juvenile rehabilitation administration—Practices and procedures.	Background checks.	CR-101, CR-102, CR-103 Potential revisions due to changes in background check procedures.
Chapter 388-730 WAC	Placement of juvenile offenders committed to the juvenile rehabilitation administration.	Residential facilities for minimum security classification youth.	CR-101, CR-102, CR-103 Amending sections in this chapter to reflect changes in available residential facilities for minimum-security classification youth.
Chapter 388-740 WAC	Juvenile parole revocation.	Parole revocation process.	CR-101, CR-102, CR-103 Potential rule changes for parole and revocation process clarification.
Chapter 388-750 WAC	Impact account— Criminal justice cost reimbursement.	Reimbursement rates and procedures for criminal justice impact.	CR-101, CR-102, CR-103 Potential rule changes to clarify reimbursement rates.

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Medical Assistance Administration

Chapter 388-475 WAC	SSI-related medical (new chapter).	Same.	CR-102, CR-103 Consolidating all supplemental security income (SSI)-related medical eligibility rules into new chapter.
WAC 388-500-0005	Medical definitions.	Same.	CR-102, CR-103 Updating the general definitions used throughout MAA rules.
WAC 388-502-0220, 388-502-0230, and 388-502-0260	Administration of medical programs—Providers.	Vendor dispute resolution.	CR-102, CR-103 Updating vendor dispute resolution process.
WAC 388-527-2700	Estate recovery.	Same.	CR-102 Implementing changes from new federal guidelines for estate recovery.
Chapter 388-529 WAC	Scope of medical coverage.	Updating what is covered under each medical assistance program.	CR-102, CR-103 Amending rules to make them more consistent with current programs and services.
WAC 388-530-1100	Pharmacy services.	Prescription drug mail order program.	CR-101, CR-102, CR-103 Implementing legislative directives to provide a mail-order pharmacy option.
Chapter 388-530 WAC	Pharmacy services.	Prescription drug program.	CR-103 Revising rules to make reimbursement policy consistent with program policy; adding new reimbursement methodology; and complying with new federal billing requirements.
Chapter 388-532 WAC	Family planning.	TAKE CHARGE program (new).	CR-102, CR-103 New rules to implement the pilot program to reduce unplanned pregnancies among women who are not MAA eligible, but who may become eligible if they became pregnant.
Chapter 388-532 WAC	Family planning services.	Same.	CR-102, CR-103 Organizes and clarifies rules for family planning services program and family planning only program.
WAC 388-533-1000	Maternity—Related services.	First Steps child-care program.	CR-102, CR-103 Revisions to clarify and update language pertaining to background check requirements, and to mirror background check requirements of other agencies.
Chapter 388-533 WAC (new sections)	Maternity—Related services.	Prenatal diagnosis and genetic testing.	CR-101, CR-102 Codifying existing program requirements into rule.
Chapter 388-536 WAC	Federally qualified health centers and rural health centers.	Same.	CR-102, CR-103 New WAC chapter will comply with federal financial changes, section 702 of BIPA 2000, and legislative directive to implement prospective payment system.

WAC 388-540-101	Kidney centers.	Freestanding kidney centers.	CR-102, CR-103 Implementing new payment methods and limits.
WAC 388-543-1000	DME definitions.	Durable medical equipment—Definitions.	CR-103 Amending rules to be more consistent with Medicare terminology and guidelines; and to explain criteria for covered services.
WAC 388-543-1300	DME not covered.	Personal computers used as speech generating devices (SGDS).	CR-103 Amending rules to be more consistent with Medicare terminology and guidelines; and to explain criteria for covered services. SGD's were formerly known as augmentative communication devices.
WAC 388-543-2200	Speech generating devices.	Update policy regarding personal computers used as SGDS.	CR-103 Amending rules to be more consistent with Medicare terminology and guidelines; and to explain criteria for covered services.
WAC 388-543-1225 (new)	DME provider requirements.	Add section on provider requirements for proof of delivery.	CR-102, CR-103 Establishing specific documentation requirements for providers of durable medical equipment.
Chapter 388-544 WAC	Vision and hearing aid services.	Same.	CR-102, CR-103 Vision services—Update.
Chapter 388-545 WAC (new sections)	Therapies.	Infusion therapy.	CR-102, CR-103 Codifying existing program requirements into rule.
Chapter 388-545 WAC (new sections)	Therapies.	Medical nutrition.	CR-101, CR-102, CR-103 Codifying existing program requirements into rule.
Chapter 388-545 WAC (new sections)	Therapies.	Exceptional therapies.	CR-101, CR-102 Program eligibility and requirements.
Chapter 388-547 WAC (new chapter)	Ambulatory surgery centers.	Same.	CR-102, CR-103 Placing program rules in a new chapter.
WAC 388-550-1800 (repeal)	Hospital services.	Nutritional counseling.	CR-102, CR-103 Combining subject matter with medical nutrition rules.
WAC 388-550-2501, 388-550-2511, 388-550-2521, 388-550-2531, 388-550-2541, 388-550-2551, 388-550-2561, 388-550-3381, and 388-550-3401	Hospital services.	Acute physical medication and rehabilitation program.	CR-102, CR-103 Incorporates language from contract into WAC and eliminating contract; clarifies and updates program policy.
New: WAC 388-550-2565, 388-550-2570, 388-550-2575, 388-550-2580, 388-550-2585, 388-550-2590, 388-550-2595, and 388-550-2596	Hospital services.	Long term acute care (LTAC) program.	CR-103 Adopting new rules to incorporate the LTAC pilot program into WAC.

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Chapter 388-550 WAC: WAC 388-550-2800, 388-550-4800, 388-550-5300, 388-550-5350, 388-550-6000, 388-550-2600, 388-550-3600, 388-550-4500, 388-550-4900, 388-550-5100, 388-550-5150, 388-550-5200, 388-550-5400, 388-550-5600, 388-550-6800 (new), 388-550-6900 (new), 388-550-4300, and 388-550-4400; Possible other sections	Hospital services.	Same.	CR-102, CR-103 Clarifies and updates language in hospital services sections, including trauma enhanced payment language and references to grants, state-administered and outpatient hospital rates and payment methods, and inpatient hospital psychiatric services.
WAC 388-551-1000, 388-551-1010, 388-551-1200, 388-551-1210, 388-551-1300, 388-551-1310, 388-551-1315, 388-551-1320, 388-551-1330, 388-551-1340, 388-551-1350, 388-551-1360, 388-551-1400, 388-551-1410, 388-551-1500, 388-551-1510, 388-551-1520, and 388-551-1530	Alternatives to hospital services.	Hospice care program.	CR-102, CR-103 Incorporating language from current agreements with hospice care centers into rule, and to update and clarify language.
WAC 388-551-2000, 388-551-2010, 388-551-2020, 388-551-2030 (new), 388-551-2100, 388-551-2110, 388-551-2120, 388-551-2130, 388-551-2200, 388-551-2210, and 388-551-2220	Home health services.	Same.	CR-103 Revisions to clarify and update language in home health services program and removes references to "homebound."
Chapter 388-555 WAC	Interpreter services.	Same.	CR-102, CR-103 Changing how interpreter services are purchased and delivered. Implements legislative directive in SB 6832.
Chapter 388-556 WAC	Medical care—Other services provided.	Disease management (new).	CR-102, CR-103 Establishing a new supplemental service for individuals who are not institutionalized, not enrolled in managed care, and who suffer from certain diseases.
Chapter 388-556 WAC	Medical care—Other services provided.	Blood banks.	CR-101 Regulatory improvement action - will codify payment practices.
MANAGEMENT SERVICES ADMINISTRATION			
Chapter 388-02 WAC	DSHS hearing rules.	Appeals of initial decisions by Office of Administrative Hearings.	CR-101, CR-102, CR-103 Amending rules to implement legislative budget reductions per SSB 6387.
Chapter 388-03 WAC and related chapters	Rules and regulations for the certification of DSHS spoken language interpreters and translators.	Language interpreter services and translations.	CR-101, CR-102, CR-103 Amending rules to implement legislative directives per SB 6832 and legislative budget reductions.

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DSHS HEADQUARTERS			
WAC 388-01-015 (new)	DSHS organization/Disclosure of public records.	Does any provision of this title create a right or cause of action, or compel DSHS to establish a program or entitlement?	CR-103 Adopting a new rule to clarify department responsibilities regarding establishment of rights and claims of action and program entitlement.
Chapter 388-01 WAC	DSHS organization/Disclosure of public records.	Public disclosure.	CR-102 Updating and clarifying rules to reflect changes and improvements in procedures for responding to disclosure requests.

Explanation of terms as used in these tables:

"CR-101" is a **Preproposal Statement of Inquiry**, filed per RCW 34.05.310. A CR-101 is a preliminary notice to the public that the agency is in the planning stages of adopting, amending or repealing rules on a particular subject, and cites the laws authorizing the agency's action. The notice also lets the public know how to participate in the development of the agency rules, and who is the agency's contact person on the rules. Most agency rule-making actions begin by publishing a CR-101 notice.

"CR-102" is a **Proposed Rule-Making** notice, filed per RCW 34.05.320. A CR-102 is an announcement that includes: 1) A general description of the rules that the agency proposes to adopt, amend or repeal; 2) the laws authorizing the agency action; 3) the complete text of the proposed rules, including citations of any rules proposed for repeal; 4) if applicable, a small business economic impact statement; and 5) agency staff whom the public may contact about the rules. A CR-102 notice also includes the date and location of a public hearing to take formal comments about the proposed rules, the deadline for accepting written comments, and where written comments may be sent. Except for expedited rules adopted under RCW 34.05.353, an agency must file a CR-102 notice, accept public comments, and conduct a public hearing before adopting proposed rules as permanent rules.

"CR-103" is a **Rule-Making Order**, filed per RCW 34.05.360. A CR-103 is the official action and notice that an agency is adopting new, amended or repealed rules. A CR-103 includes the purpose of the rule-making order, the laws authorizing the agency's action, and the complete text of the rules being adopted. Agencies also must use a CR-103 notice to adopt temporary emergency rules per RCW 34.05.330. Emergency rules may not become permanent unless the agency files a CR-102 notice (preceded by a CR-101 notice where applicable), invites public comment on the proposed rules, conducts a public hearing, complies with other rule-making statutes, and files a CR-103 permanent rule-making order.

All rule-making notices and orders described above are filed with the state Office of the Code Reviser and are published in the Washington State Register. Interested parties may receive copies of DSHS rule-making notices and orders by postal or electronic mail by contacting the DSHS Rules

and Policies Assistance Unit, at (360) 664-6097, or by e-mail at SwensFH@dshs.wa.gov.

Andy Fernando
Rules Coordinator

WSR 02-16-005
AGENDA
DEPARTMENT OF
FINANCIAL INSTITUTIONS
[Filed July 25, 2002, 2:06 p.m.]

Department of Financial Institutions
Semi-Annual Agenda for Rules Under Development
July 1, 2002 - December 31, 2002

DIVISION OF BANKS

1. The division will be filing a proposed rule making to amend chapter 208-512 WAC, specifically, WAC 208-512-290 (8)(h), which governs lending limits of state-chartered commercial banks.

2. The division will be filing a rule-making order to raise fees up to the fiscal growth factor as allowed under Initiative 601. The chapters that will be amended are chapters 208-544 and 208-586 WAC.

3. The division will be filing a rule-making order amending WAC 208-512-230(8) to bring the definition of the term "surplus" in line with the definition contained in RCW 30.04.111(8).

DIVISION OF CONSUMER SERVICES

1. Amendments to chapter 208-680 WAC, Escrow Agent Registration Act, to provide guidance to escrow agents performing collection escrows, to address technical concerns in the area of trust accounting, to provide additional definitions of terms, provide for licensing options and possibly to specify bonding requirements.

2. Amendments to chapter 208-620 WAC, Consumer Loan Act, to reflect changes to the statute, to update and modernize the rules, and to provide additional guidance to licensees regarding the conduct of mortgage brokerage activities under the Consumer Loan Act.

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3. Amendments to chapter 208-620 WAC, Consumer Loan Act, to prevent misleading advertising.

4. Amendments to chapter 208-660 WAC, Mortgage Broker Practices Act, to prevent misleading advertising.

DIVISION OF CREDIT UNIONS

The division does not anticipate initiating any rule making.

DIVISION OF SECURITIES

1. WAC 460-16A-205, the division plans to propose amendments to this section to reflect recent updates to various North American Securities Administrators Association (NASAA) statements of policy.

2. WAC 460-21B-060, 460-22B-090, and 460-24A-145, the division plans to complete the expedited adoption of minor amendments to these sections to correct outdated cross-references and a typographical error.

WSR 02-16-006

NOTICE OF PUBLIC MEETINGS

CENTRAL WASHINGTON UNIVERSITY

[Memorandum—July 22, 2002]

Regular meetings of the Central Washington University board of trustees will be held in Barge Hall, Room 412, on the Central Washington University Ellensburg campus, except where noted, at 1:00 p.m. on the following dates:

- October 10, 2002 (*Campus Retreat*)
- October 11, 2002
- November 14, 2002 (*Joint Meeting with Highline Community College Board*)
- December 6, 2002
- February 14, 2003
- March 14, 2003 (*CWU SeaTac Center*)
- May 9, 2003
- June 13, 2003
- August 7-8, 2003 (*Board Retreat*)

WSR 02-16-017

**NOTICE OF PUBLIC MEETINGS
ECONOMIC DEVELOPMENT
FINANCE AUTHORITY**

[Memorandum—July 24, 2002]

The Washington Economic Development Finance Authority (WEDFA) is an independent agency (#106) within the executive branch of the state government. The authority has four board meetings a year, one each quarter. The authority's meetings are open to the public, and access for persons with disabilities is provided at all meetings of the authority.

The previously published meeting date of Wednesday, September 11, 2002, has been changed to Wednesday, September 18, 2002. The meeting will be held in the 12th Floor Conference Room, 428 West Riverside, Spokane, WA 99201. The meeting will begin at 10:00 a.m.

WSR 02-16-020

AGENDA

HEALTH CARE AUTHORITY

[Filed July 26, 2002, 3:58 p.m.]

**Washington State Health Care Authority
Melodie Bankers, Rules Coordinator, (360) 923-2728
July 31, 2002 Semi-Annual Rule-Making Agenda**

Approximate Preproposal 1. Date 2. Subject Area 3. Contact/Telephone Number	Purpose of the Rule Why is this Significant?	Rule(s) Mandate	Other Agencies who may have interest in the Subject of Rule(s)
1. May 1, 2002 2. WAC 182-25-010 3. Rosanne Reynolds, (360) 923-2948	Revise rules regarding eligibility based on income and other factors, to ensure that enrollment and subsidy levels are based on an accurate appraisal of the person's circumstances.	No mandate	DSHS Medical Assistance Administration

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Approximate Preproposal 1. Date 2. Subject Area 3. Contact/Telephone Number	Purpose of the Rule Why is this Significant?	Rule(s) Mandate	Other Agencies who may have interest in the Subject of Rule(s)
1. May 7, 2002 2. WAC 182-08-190 and 182-12-220 3. Barbara Scott, (360) 923-2642	Amend the current rule to provide the employer contribution toward employee benefits for employees placed on a mandatory leave without pay in order to meet the 2002 Supplemental Appropriations Act during the 2001-2003 fiscal biennium. Amend the current rule to clarify the employee's responsibility to pay their portion of the cost for benefits reinstated due to winning an appeal of a dismissal.	Section 906, chapter 371, Laws of 2002 No mandate	All state agencies, higher education institutions and PEBB participating political subdivisions, K-12 school districts and educational service districts.
1. May 7, 2002 2. WAC 182-12-111, 182-12-119, 182-12-132, 182-12-230 3. Barbara Scott, (360) 923-2642	To implement the health insurance program for blind vendors. To define the method of billing and define eligibility criteria for K-12 school districts and educational service districts that participate in the PEBB program beginning September 1, 2002. To clarify the requirements for certification of disabled dependents and reference the earliest date that retirees can waive enrollment in PEBB medical and dental coverage.	Chapter 17, Laws of 2002 Chapter 142, Laws of 2002 No mandate	All state agencies, higher education institutions and PEBB participating political subdivisions, K-12 school districts, educational service districts and the Department of Services for the Blind and business enterprise program vendors.
1. May 20, 2002 2. WAC 182-20-250 3. Bob Blacksmith, (360) 923-2755	Addition of language to provide special dental and interpreter grant funding for transition immigrant population from DSHS/MAA pursuant to section 212(7), Laws of 2002, for nonprofit community clinics funded under the community health services program.	No mandate	

Melodie Bankers
Rules Coordinator

WSR 02-16-027
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed July 29, 2002, 3:27 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: PCM 02-009.
 Subject: Federal subpoena.
 Effective Date: July 19, 2002.
 Document Description: This memo explains to DCS staff what to do when an out-of-state financial institution does not comply with an administrative subpoena.

To receive a copy of the interpretive or policy statement, contact Stephanie Schiller, Division of Child Support, P.O. Box 9162, Olympia, WA 98507-9162, phone (360) 664-5230, TDD (360) 753-9122, fax (360) 586-3274, e-mail ssshille@dshs.wa.gov.

July 24, 2002
 Stephanie E. Schiller

WSR 02-16-028
PUBLIC EMPLOYMENT
RELATIONS COMMISSION
 [Filed July 29, 2002, 3:28 p.m.]

Authority is delegated under chapter 391-45 WAC, as follows:

Mark S. Downing is authorized to act for the agency under WAC 391-45-070 and 391-45-110.

Mark S. Downing, Kenneth J. Latsch, Katrina I. Boedecker, and Frederick J. Rosenberry are authorized to assign cases to staff members, including assignment of examiners under WAC 391-45-130.

Marvin L. Schurke
 Executive Director

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WSR 02-16-029
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed July 29, 2002, 3:29 p.m.]

Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail mailto:sullikm@dshs.wa.gov.
 July 25, 2002
 E. A. Myers, Manager
 Rules and Publications Section

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-57 MAA.
 Subject: Increase in maximum allowable drug dispensing fees and mandatory reporting of prescriber DEA number for schedule II drugs.

Effective Date: July 1, 2002.

Document Description: **Effective for dates of service on and after July 1, 2002**, the Medical Assistance Administration (MAA) will:

- Implement a 1.5% vendor rate increase for drug dispensing fees, as authorized by the 2002 Supplemental Appropriations Act;
- Require pharmacies to enter the prescribing provider's DEA number in the Prescriber ID field on all prescription drug claims for schedule II drugs.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on

WSR 02-16-038
POLICY STATEMENT
DEPARTMENT OF HEALTH
 [Filed July 30, 2002, 10:25 a.m.]

NOTICE OF ADOPTION OF A POLICY STATEMENT

Title of Policy: Nursing Program Approval.

Issuing Entity: Nursing Care Quality Assurance Commission.

Subject Matter: The policy describes how surveys of approved nursing schools will be conducted. The standards used to approve schools are listed in WAC 246-840-510 through 246-840-575.

Effective Date: January 11, 2002.

Contact Person: Pamela Lovinger, Regulatory Affairs Manager, Health Professions Quality Assurance, Department of Health, P.O. Box 47860, 1300 Quince Street, Olympia, WA 98504-7860, (360) 236-4985.

WSR 02-16-039
AGENDA
DEPARTMENT OF HEALTH
STATE BOARD OF HEALTH
 [Filed July 30, 2002, 10:27 a.m.]

State Board of Health and Department of Health
July 2002 Rules Agenda

This report details the anticipated rule-making activities of the State Board of Health and the Department of Health for the next six months. If you have any questions regarding this report or Department of Health rule-making activities, please contact Michelle Davis at (360) 236-4044. If you have any questions regarding State Board of Health rule-making activities please contact Don Sloma at (360) 236-4102.

State Board of Health Rules

WAC	RCW	Authority	Subject	SBOH Staff and DOH Program Contact	WSR/Date
PreCR-101 (State Board of Health Rules)					
246-290 246-291	70.90 70.119	State Board of Health	Public water supplies	Marianne Seifert, (360) 236-4103, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health.	Anticipate CR-101 by 9/02
CR-101 Filed (State Board of Health Rules)					
246-100-166	28A.210.140	State Board of Health	Immunizations of child care and school children against certain vaccine preventable diseases	Doreen Garcia, (360) 236-4101, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health.	02-10-066 4/26/02
246-100 246-101	43.20.050	State Board of Health	Emergency powers of local health officers	Craig McLaughlin, (360) 236-4106, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health.	01-24-102 12/5/01 Anticipate CR-102 by 8/02

WAC	RCW	Authority	Subject	SBOH Staff and DOH Program Contact	WSR/Date
246-205	64.44	State Board of Health delegated* to Secretary 5/00	Meth lab clean up standards	Marianne Seifert, (360) 236-4103, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health.	99-21-063 10/19/99
246-215	43.20.050	State Board of Health	Food service	Marianne Seifert, (360) 236-4103, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health.	01-23-096 11/21/01
246-217-025	69.06	State Board of Health	Food worker card fees	Marianne Seifert, (360) 236-4103, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health.	99-23-087 11/16/99
246-260	70.90.120, 70.90.150, 43.20.050	State Board of Health	Water recreation facilities	Marianne Seifert, (360) 236-4103, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health.	00-22-112 11/1/00
246-272	43.20.050	State Board of Health	On-site wastewater sewage systems	Marianne Seifert, (360) 236-4103, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health.	02-03-137 1/23/02
246-360	70.62	State Board of Health	Transient accommodations	Craig McLaughlin, (360) 236-4106, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health.	02-01-084 12/17/01
246-491	43.70.040 26.33.330	State Board of Health	Certificate revision	Don Sloma, (360) 236-4102, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health	01-08-090 4/4/01
246-650	70.83 43.20	State Board of Health	Newborn screening	Doreen Garcia, (360) 236-4101, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health.	02-03-136 1/23/02
246-680	48.21.244 48.443.344 48.46.375	State Board of Health	Prenatal screening	Doreen Garcia, (360) 236-4101, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health.	01-08-093 4/4/01 Anticipate CR-102 by 12/02
Pending Hearing CR-102 Filed (State Board of Health Rules)					
246-760	28A.210.020	State Board of Health delegated* to Secretary 10/01	Auditory and visual standards—School districts Hearing Date: August 27, 2002	Doreen Garcia, (360) 236-4101, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health.	99-11-030 5/13/99
246-762	28A.210.020	State Board of Health delegated* to Secretary 10/01	Scoliosis screening—School districts Hearing Date: August 27, 2002	Doreen Garcia, (360) 236-4101, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health.	99-11-031 5/13/99

*Note: The State Board of Health may delegate rule making or rescind delegation to the Department of Health under RCW 43.20.050(3)

Department of Health Rules

CR-105 Expedited Rule Making					
WAC	RCW	Authority	Subject	Program/Contact	WSR/Date
246-12-040	43.70.280	Secretary	Renew credential	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	02-09-042 4/12/02
246-252-030	70.98.050	Secretary	Uranium mill tailings or wastes	Environmental Health Programs, Jan Haywood, (360) 236-3011.	02-11-021 5/7/02
246-328-200, 246-328-990	18.48	Secretary	HIV/AIDS education requirements and adult family home fees and renewal cycle	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	02-14-054 6/27/02
246-828-290	18.35.161	Secretary	Purchaser recision rights	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	02-02-045 12/27/01
246-843-015	18.52.061	Nursing Home Administrators Board	Nursing home-temporarily without an administrator	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	02-06-116 3/6/02
246-887-160	69.50.201	Pharmacy Board	Schedule III controlled substances	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	02-13-060 6/14/02
246-889-020	69.43.050	Pharmacy Board	Precursor substance control	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	02-11-152 5/22/02

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Pre CR-101					
246-243 246-244	70.98.050	Secretary	Dosimetry and well logging	Environmental Health Programs, Jan Haywood (360) 236-3011.	Anticipate CR-102 by 9/02
246-361	70.114A.110	Secretary	Cherry harvest camps	Facilities and Services Licensing, Yvette Lenz, (360) 705-6661.	Anticipate CR-105 by 8/02
246-808-150, 246-808-155	18.25	Chiropractic Commission	Chiropractic	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	Anticipate CR-101 by 10/02
246-815-020, 246-815-050, 246-815-100, 246-815-110, 246-815-115	18.29.120	Secretary	Dental hygiene, exam, application, licensure	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	Anticipate CR-101 by 10/02
246-840	18.79	Nursing Commission	Nursing-limited education licenses	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	Anticipate CR-101 by 8/02
246-924-354	18.83	Psychology Board	Maintenance and retention of records	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	Anticipate CR-101 by 8/02
CR-101 Filed					
246-XXX	18.64.005(7)	Pharmacy Board	Defining agent of a prescriber	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	02-07-082 3/19/02 Anticipate to be withdrawn by 12/02
246-224, 246-225, 246-227, 246-228, 246-229	70.98	Secretary	X-ray rules (radiation protection)	Environmental Health Programs, Jan Haywood, (360) 236-3011.	00-16-106 8/2/00
246-249-080	70.98.050, 70.98.080	Secretary	Naturally occurring radioactive materials	Environmental Health Programs, Jan Haywood, (360) 236-3011.	96-11-129 5/22/96
246-290	43.20.050	Secretary	Group "A" public water system	Environmental Health Programs, Jan Haywood, (360) 236-3011.	01-17-111 8/22/01
246-310	70.127 70.38	Secretary	Certificate of need forecasting methodology	Facilities and Services Licensing, Yvette Lenz, (360) 705-6661.	02-14-047 6/27/02
246-310	70.38.135, Chapter 59, Laws of 2000	Secretary	Certificate of need-cardiac methodologies	Facilities and Services Licensing, Yvette Lenz, (360) 705-6661.	00-08-097 4/5/00
246-314-990	43.70.250 43.20B.020	Secretary	Construction review fees	Facilities and Services Licensing, Yvette Lenz, (360) 705-6661.	01-10-123 5/2/01
246-320	70.41.150	Secretary	Disclosure of hospital	Facilities and Services Licensing, Yvette Lenz, (360) 705-6661.	01-22-066 11/1/01
246-320	70.41.150	Secretary	Emergency contraception	Facilities and Services Licensing, Yvette Lenz, (360) 705-6661.	02-11-076 5/13/02
246-323, 246-325, 246-326	71.12	Secretary	Residential care facilities	Facilities and Services Licensing, Yvette Lenz, (360) 705-6661.	00-05-097 2/16/00
246-380	43.70.040, 43.70.130	Secretary	Sanitation and health care standards for state institutions	Facilities and Services Licensing, Yvette Lenz, (360) 705-6661.	98-15-085 7/16/98
246-808	18.130.050	Chiropractic Commission	Independent chiropractic exams	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	00-22-123 11/1/00
246-809	18.225	Secretary	Confidential communications for licensed counselors, therapist, and social workers	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	02-04-032 1/25/02
246-809	18.225	Secretary	Boundary requirements for counselors	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	02-04-042 1/29/02
246-809	18.225	Secretary	Disclosure information for counselors	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	02-04-043 1/29/02
246-809	18.225	Secretary	Licensed counselor—Experience requirements	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	01-22-068 11/1/01
246-809	18.225	Secretary	CE for mental health counselor, marriage and family therapist, and social worker	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	01-22-067 11/1/01
246-814	Chapter 93, Laws of 2001	Secretary	Access to dental care	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	01-12-094 6/6/01

246-817-110, 246-817-120	18.32.0365, 18.32.040	Dental Commission	Dental licensure—Initial eligibility and application requirements	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	02-15-160 7/23/02
246-828	18.35.40	Hearing and Speech Board	Fitter/dispenser program	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	02-02-043 12/27/01
246-828-020	43.70.280	Hearing and Speech Board	Examinations hearing and speech	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	02-02-041 12/27/01
246-828-510	18.35.090	Hearing and Speech Board	Hearing/speech—Continuing education requirements	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	97-15-097 7/21/97
246-828-990	43.70.280	Secretary	Hearing and speech fees and renewal cycle	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	02-02-042 12/27/01
246-830	18.108.025	Secretary	Massage therapy examinations	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	98-21-080 10/21/98
246-830	18.108	Massage Board	Animal therapy	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	01-17-112 8/22/01
246-834	18.122.140	Secretary	Reactivation of midwifery license	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	98-21-081 10/21/98
246-834-220 through 246-834-240	18.50.040	Secretary	Educational requirements for nonlicensed midwives	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	97-22-024 10/29/97
246-834-990	18.130.250	Secretary	Retired active status—Midwives	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	99-06-090 3/3/99
246-840	18.79.110	Nursing Commission	Telenursing	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	99-11-033 5/13/99
246-840-010, 246-840-020, 246-840-565, 246-840-760, 246-840-920	18.79.110	Nursing Commission	Nursing definitions	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	99-11-032 5/13/99
246-840-020 through 246-840-070	18.79.110	Nursing Commission	Nursing licensing rules	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	02-04-033 1/25/02
246-840-080, 246-840-090	18.79.110	Nursing Commission	Licensure of graduates of foreign schools and licensure by interstate endorsement	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	02-04-031 1/25/02
246-840-500 to 246-840-575	18.70.110	Nursing Commission	Approval of RN and PN education	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	00-11-163 5/24/00
246-841-400 through 246-841-510	18.88A	Secretary	Nursing assistants	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	00-03-072 1/19/00
246-850	18.200	Secretary	Continuing competency for orthotists and prosthetist	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	00-08-098 4/5/00
246-853	18.57.080, 18.57.005, 18.130.050	Osteopathic Board	COMSPEX—USA exam	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	99-11-035 5/13/99
246-853	18.57.005 18.57.020	Osteopathic Board	Approved schools of osteopathic medicine	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	99-13-020 6/7/99
246-853-225	18.57.005 18.57.020	Osteopathic Board	Osteopathic pain management guidelines	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	98-22-086 11/3/98
246-854	18.57A.020	Osteopathic Board	Review of controlled substances issued by physician assistants	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	98-07-078 3/17/98
246-865 246-869 246-887	69.50.301 18.64.005	Pharmacy Board	Faxing of prescriptions	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	01-14-090 7/5/01
246-869-260	18.64.005	Pharmacy Board	Legal use of needles and syringes	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	00-03-071 1/19/00
246-870	18.64.005	Pharmacy Board	Electronic transfer of prescription information	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	98-14-118 7/1/98

246-873-090	18.64.005(7)	Pharmacy Board	Hospital standards—Administration of drugs	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	02-12-101 6/5/02
246-879-090	18.64.005 18.64.046	Pharmacy Board	Exporting drugs wholesaler	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	01-09-087 4/18/01
246-883 246-889	69.43 18.64.005	Pharmacy Board	Restricting the sale of ephedrine, pseudoephedrine or phenylpropranolamine	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	01-13-116 6/20/01
246-883-030	18.64.450	Pharmacy Board	Ephedrine prescription restrictions	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	97-10-033 4/30/97
246-887-040	69.50.402	Pharmacy Board	Nonnarcotic stimulants	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	01-23-097 11/21/01
246-915	18.74.023	Physical Therapy Board	Sexual misconduct—Physical therapist	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	98-13-106 6/17/98
246-915-010, 246-915-085	18.74.023	Physical Therapy Board	Continuing competency—Physical therapists	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	98-15-088 7/16/98
246-915-020, 246-915-030, 246-915-120	18.74.023, 18.74.035	Physical Therapy Board	Application requirements—Physical therapists	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	98-13-107 6/17/98
246-915-010, 246-915-078, 246-915-140 - 246-915-170	18.74.023	Physical Therapy Board	Defining professional responsibilities—Physical therapists	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	98-13-104 6/17/98
246-915-150	18.74.023, 18.74.010	Physical Therapy Board	Physical therapy supervision ratio	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	98-13-105 6/17/98
246-915-210 to 246-915-280	18.74.023, 18.130.070	Physical Therapy Board	Mandatory reporting—Physical therapists	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	98-13-103 6/17/98
246-918-120	18.71A	Medical Commission	Physician assistant remote site criteria	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	01-15-089 7/18/01
246-922-195	18.22.015	Podiatry Board	Podiatry pain management	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	98-22-084 11/3/98
246-924	18.83.050, 18.83.070	Psychology Board	Psychology education requirements/prerequisites	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	98-22-088 11/3/98
246-924-370	18.83.050, 18.83.121	Psychology Board	Child custody evaluations	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	98-22-087 11/3/98
246-930-010, 246-930-030, 246-930-040, 246-930-200, 246-930-410	18.155.040	Secretary	Education and exams requirements for sex offender treatment provider program	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	00-08-099 4/5/00
246-930-050	18.155.040	Secretary	Sex offender treatment provider	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	01-24-103 12/5/01
246-930-330	18.155.040, 18.13.050	Secretary	Standards for treatment sexual offender treatment providers	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	99-14-001 6/23/99
246-933	18.92.030	Secretary	Authorizing animal care and control agencies	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	02-13-057 6/14/02
246-933-255	18.92.030, 18.92.070	Veterinary Board	Exams for out-of-state veterinarians	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	00-11-157 5/24/00
246-935	18.92.030	Veterinary Board	Continuing education and competency for animal technicians	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	99-15-102 7/21/99
246-935-070	18.92.030	Veterinary Board	Examination for registration as animal technician	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	01-21-133 10/24/01
246-976-161, 246-976-171	18.71.205	Secretary	CE, skills maintenance, and ongoing training and evaluation	Emergency Medical and Trauma Prevention, Tami Scheppe, (360) 705-6748.	02-11-077 5/13/02
Pending Hearing, CR-102 Filed					
246-388	70.175.100	Secretary	Rural Health Care Facilities Hearing Date: July 30, 2002	Facilities and Services Licensing, Yvette Lenz, (360) 705-6661.	02-13-075 6/17/02

246-562-080, 246-562-160	70.185.030	Secretary	Physician Eligibility Requirements Hearing Date: August 27, 2002	Office of Community and Rural Health, Jennell Prentice, (360) 705-6666.	02-12-100 6/5/02
246-824-01[0], 246-824-020, 246-824-070, 246-824-071	18.34.070	Secretary	Dispensing Opticians Hearing Date: August 7, 2002	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	02-13-062 6/14/02
246-840-311	18.79.110	Nursing Commission	ARNP Adopted Specialties Hearing Date: September 13, 2002	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	02-14-048 6/27/02
246-843-150 246-843-180 246-843-330	18.52, 43.70	Nursing Commission	Nursing Home Administrators Licenses Hearing Date: August 9, 2002	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	02-11-106 5/20/02
Pending Adoption					
246-282-990	43.70.250	Secretary	Paralytic shellfish poison testing	Environmental Health Programs, Jan Haywood, (360) 236-3011	02-12-102 6/5/02
246-323-990	43.70.250	Secretary	Residential treatment facilities fees	Facilities and Services Licensing, Yvette Lenz, (360) 705-6661.	
246-325, 246-326, 246-380	43.70.250	Secretary	Alcoholism treatment, adult residential rehabilitation and state institution survey program fees	Facilities and Services Licensing, Yvette Lenz, (360) 705-6661.	02-13-059 6/14/02
246-327, 246-331, 246-336	70.127	Secretary	In-home services (home health, hospice and home care agencies)	Facilities and Services Licensing, Yvette Lenz, (360) 705-6661.	02-128-103 6/5/02
246-360-990	43.70.250	Secretary	Transient accommodations fees	Facilities and Services Licensing, Yvette Lenz, (360) 705-6661.	02-12-104 6/5/02
246-841	18.79 18.88A	Nursing Commission	Nurse delegation	Health Professions Quality Assurance, Pam Lovinger, (360) 236-4985.	01-19-078 9/19/01

KEY:

CR-101 Filed: The statement of inquiry has been filed with the Code Reviser's Office.

Pending Hearing: The CR-102 has been filed but the hearing has not been held yet.

Pending Adoption: The hearing has been held OR the rule qualifies under the expedited repeal or adoption processes (RCW 34.05.354 and 34.05.356), but the CR-103 has not been filed.

MISC.

WSR 02-16-042
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
NATURAL RESOURCES
 (Board of Natural Resources)
 [Memorandum—July 29, 2002]

Board of Natural Resources Retreat
 August 27-28, 2002

WSR 02-16-048
AGENDA
DEPARTMENT OF CORRECTIONS
 [Filed August 1, 2002, 1:22 p.m.]

Following is the Department of Corrections' semi-annual rule development agenda for publication in the Washington State Register pursuant to RCW 34.05.314.

There may be additional rule-making activity not on the agenda as conditions warrant.

SEMI-ANNUAL RULE-MAKING AGENDA
 JULY 1 - DECEMBER 31, 2002
 DEPARTMENT OF CORRECTIONS
 RULE DEVELOPMENT CALENDAR
 January - June 30, 2002

WAC Chapter or Section	Purpose
137-09	Public disclosure, revise policies and procedures for disclosure of public records.
137-48	Offender mail.
137-70	Reimbursement for criminal justice costs and contingency plan expenses.
137-75	Jail and medical cost reimbursement to cities and counties.

- 137-57 Siting of community residential programs.
- 137-58 Guidelines for implementing the State Environmental Policy Act.
- 137-125 Correctional institutions—Visits.
- John Nispel
Rules Coordinator

WSR 02-16-051
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY

[Memorandum—July 29, 2002]

BOARD OF TRUSTEES
SPECIAL MEETING NOTICE

July 30, 2002
Eastern Washington University
526 5th Street
Pence Union Building, Room 261
Cheney, WA 99004

The board of trustees of Eastern Washington University will hold a special meeting from 6:00 - 6:30 p.m. on July 30, 2002. The purpose of this meeting is to discuss and approve an addendum to the revenue bond refunding series resolution.

WSR 02-16-052
POLICY STATEMENT
STATE LOTTERY
[Filed August 1, 2002, 3:14 p.m.]

The Washington Lottery has recently adopted or revised the following policies:

POL 110.551 - On-Line Drawings Disaster Recovery Plan (Revision)

Lotto 6 of 49 changed to Lotto Plus 5 of 43 and 1 of 23, with new instructions for conducting the drawings. Lucky for Life balls are now mixed "approximately 6 seconds" instead of "3-6 seconds." New instructions for operating the new Quinto machine.

Daily Keno will be conducted in the Quinto machine or Lotto 5 of 43 machine (at the lotto drawing official's (LDO) discretion), rather than in the Lucky for Life machine.

Signed March 4, 2002; effective May 1, 2002.

POL 110.552 - Wednesday and Saturday Daily Game, Daily Keno, Quinto, Lucky for Life, and Lotto Plus Drawings (Revision)

Lotto 6 of 49 changed to Lotto Plus 5 of 43 and 1 of 23, with new instructions for conducting the drawings. Lucky for Life balls are now mixed "approximately 6 seconds" instead of "3-6 seconds." New instructions for operating the new Quinto machine.

Signed March 4, 2002; effective May 1, 2002.

POL 110.554 - On-Line Drawing Contingencies (Revision)

Deleted the Lotto 6 of 49 matrix and added the Lotto Plus 5 of 43 and 1 of 23 matrix information.

If the two Daily Keno machines fail, Daily Keno will be conducted in the Quinto machine or Lotto 5 of 43 machine (at the LDO's discretion), rather than in the Lucky for Life machine.

If a set of drawing balls does not fall within the weight tolerance, the LDO reweighs the set up to two times.

Signed March 11, 2002; effective May 1, 2002.

POL 110.557 - Wednesday and Saturday Daily Game, Quinto, Lucky for Life, Lotto Plus and Daily Keno HDO Activities (Revision)

Changed Lotto to Lotto Plus throughout; attached new checklist for the headquarters drawing official (HDO) to follow each Wednesday and Saturday.

Signed April 17, 2002; effective May 1, 2002.

POL 110.558 - Bonus Drawings (for Consumers) (Revision)

Changed Lotto to Lotto Plus throughout. The number of entries for the drawings may now be determined by a method other than how many bonus tickets were sold.

Signed February 27, 2002; effective May 1, 2002.

POL 220.002 - Travel Reimbursement (Revision)

Added that: If the employee's travel expenses will be reimbursed by a person or non-state entity, the employee indicates on the travel expense voucher that the expenses will be reimbursed and by whom. Accounts payable pays the employee in accordance with state travel policies and bills the responsible person or entity.

Signed March 29, 2002.

POL 240.001 - Power Protectors/Dedicated Power for On-Line Terminals (Revision)

Added that: For changes of ownership where the change is structural only (changing from one form of business organization to another) and the terminating retailer(s) retain 100% ownership, the retailer is not required to purchase a SAD power protector, provided he/she has dedicated power.

Signed April 17, 2002.

POL 240.004 - Terminating Retailers (who voluntarily terminate) (Revision)

Added that: When debt payment plans are established, the lottery charges 1% interest per month on the unpaid balance. For changes of ownership where the change is structural only (changing from one form of business organization to another) and the terminating retailer(s) retain 100% ownership, lottery products, ticket stock and terminals are not removed. Also, packs are settled over the normal three-week settlement period.

Signed May 3, 2002.

POL 250.006 - Selling Lottery Tickets at Lottery Offices (New)

This policy outlines the guidelines for selling lottery tickets at headquarters and at regional offices approved by the director or deputy director. The policy and procedure contain information on selling tickets, stocking ITVMs, paying winning tickets, daily cash balancing, accessing/reconciling/depositing funds from an ITVM, replenishing the cash box, depositing money from the cash box, approving regional offices to sell lottery tickets, etc.

Signed May 1, 2002.

POL 320.075 - Conducting the Lucky for Life Second Chance Drawing Event (New)

This policy outlines the methods for conducting the Lucky for Life Second Chance Drawing Event to award the promotional prize of \$1,000 a week for life to one participant, as described in POL 320.074 - Lucky for Life Second Chance Drawing Promotion. (The remaining participants receive a one-time \$5,000 consolation prize.)

Signed May 30, 2002.

POL 420.021 - Purchasing Cards (Revision)

Added that:

- A second person (not the custodian of the card) signs for items received.
- The approving manager (supply officer) reviews and approves all bills for payment, ensuring compliance with policies. If the custodian is the approving manager, the purchasing card manager (administrative services manager) reviews and approves the bills.

Signed May 1, 2002.

To receive a copy of any of these policies, contact Becky Zopolis, Washington State Lottery, P.O. Box 43000, Olympia, WA 98504-3000, phone (360) 664-4816, fax (360) 664-4817.

July 30, 2002
Becky Zopolis

WSR 02-16-053

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed August 1, 2002, 3:53 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: PCM 02-010.

Subject: Address release for children's health insurance letter.

Effective Date: July 29, 2002.

Document Description: This memo explains to DCS staff the mailing of a letter that explains to custodial parents how to prevent their address from being released on the new federal national medical support notice.

To receive a copy of the interpretive or policy statement, contact Stephanie Schiller, Division of Child Support, P.O.

Box 9162, Olympia, WA 98507-9162, phone (360) 664-5230, TDD (360) 753-9122, fax (360) 586-3274, e-mail sschille@dshs.wa.gov.

July 30, 2002

Stephanie E. Schiller

WSR 02-16-058

**NOTICE OF PUBLIC MEETINGS
COMMUNITY COLLEGES
OF SPOKANE**

[Memorandum—July 30, 2002]

Pursuant to RCW 42.30.075, please be advised the August 20, 2002, meeting of the board of trustees of Washington State Community College District 17 has been canceled.

If you have any questions regarding this memo, please contact Christine Pearl, executive assistant to the chancellor/CEO and liaison to the board of trustees, at (509) 434-5006.

WSR 02-16-064

**NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE**

[Memorandum—August 5, 2002]

The board of trustees of Bellingham Technical College will hold an executive session to discuss pending litigation on Friday, August 2, 2002, 8:30 a.m., at 5048 Mt. Baker Highway, Deming, WA. Action may be taken, if necessary, as a result of board discussion. Call 738-3105 ext. 334 for information.

The board of trustees of Bellingham Technical College will hold a study session to discuss budgetary matters, marketing, and resource development on Friday, August 2, 2002, 8:30 a.m. to 4:00 p.m., at 5048 Mt. Baker Highway, Deming, WA. Call 738-3105 ext. 334 for information.

WSR 02-16-065

**NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE**

[Memorandum—August 5, 2002]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, August 15, 2002, 9-11 a.m., in the College Services Building Board Room on the Bellingham Technical College campus. Call 738-3105 ext. 334 for information.

WSR 02-16-066
AGENDA
EMPLOYMENT SECURITY DEPARTMENT

[Filed August 5, 2002, 8:53 a.m.]

The Employment Security Department rule-making agenda is submitted for publication in the Washington State Register in accordance with RCW 34.05.314.

Employment Security Department
Semi-Annual Rule-Making Agenda (July 1, 2002 - December 31, 2002)

WAC CHAPTER	CHAPTER TITLE	AGENCY CONTACT	TIMING	SCOPE OF RULE CHANGES
Title 192 WAC	To be determined (Subject: Tribal employers; changes in payment methods for nonprofits)	Juanita Myers (360) 902-9665	CR-101 - 2/02 CR-102 - 9/02 Hearing - to be determined	Adopt rules clarifying the action that will be taken regarding tribal entities in default on their unemployment insurance taxes. Clarify tax rate for delinquent nonprofit entities who change payment method from reimbursement to contribution-paying (taxable).
Chapter 192-240 WAC	Extended and additional benefits	Juanita Myers (360) 902-9665	CR-101 - 2/02 CR-102 - 9/02 Hearing - to be determined	Adopt rules clarifying the availability and job search requirements of claimants receiving regular shareable and extended benefits. <i>(Note: Emergency rules filed.)</i>
Chapter 192-210 WAC	Special category occupations (<i>Referral union members</i>)	Juanita Myers (360) 902-9665	CR-101 - 2/02 CR-102 - 9/02 Hearing - to be determined	Adopt rules to clarify job search and availability requirements for individuals who are members of full referral unions. Clarify requirements of unions participating in the referral union program.
Chapter 192-170 WAC Chapter 192-180 WAC	Availability to accept work; job search requirements	Juanita Myers (360) 902-9665	CR-101 - 8/02 CR-102 - 11/02 Hearing - to be determined	Adopt rules to clarify job search and availability requirements for individual who leave work to protect themselves or a member of their immediate family from domestic violence or stalking.
Chapter 192-210 WAC	Special category occupations	Juanita Myers (360) 902-9665	CR-101 - 11/99 CR-102 - 1/03 Hearing - to be determined	Adopt rules for individuals who work or worked for a temporary services or employee leasing agency. These will include policies related to job separations and availability requirements.
Title 192 WAC	Various	Juanita Myers (360) 902-9665	CR-105 - 8/02 Hearing - to be determined	Expedited adoption of various housekeeping measures, correcting typographical errors or editing for clarity.

Barney Hilliard
Rules Coordinator

WSR 02-16-072
NOTICE OF PUBLIC MEETINGS
WENATCHEE VALLEY COLLEGE
 [Memorandum—August 2, 2002]

The Wenatchee Valley College board of trustees has agreed to change their meeting schedule for the remainder of 2002. The new schedule is as follows:

September 25
 November 6
 December 18

WSR 02-16-073
RULES COORDINATOR
DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT
 [Filed August 6, 2002, 10:13 a.m.]

At this time I am designating Jean Ameluxen as the rules coordinator for the Department of Community, Trade and Economic Development. She can be contacted at (360) 725-2806, or jeana@cted.wa.gov or P.O. Box 48350, Olympia, WA 98504-8350.

Martha Choe
Director

WSR 02-16-074

NOTICE OF PUBLIC MEETINGS

TRANSPORTATION IMPROVEMENT BOARD

[Memorandum—August 6, 2002]

The Transportation Improvement Board's 2002 meeting schedule is as follows:

Thursday and Friday	January 24-25, 2002	Everett
Thursday and Friday	March 21-23 [22], 2002	Olympia
Thursday and Friday	May 23-24, 2002	Walla Walla
Thursday and Friday	July 25-26, 2002	Aberdeen
Thursday and Friday	September 26-27, 2002	Wenatchee
Thursday and Friday	November 21-22, 2002	Spokane

The Transportation Improvement Board's 2003 meeting schedule is as follows:

Thursday and Friday	January 23-24, 2003	Olympia
Thursday and Friday	March 27-28, 2003	Bellingham
Thursday and Friday	May 29-30, 2003	Pullman
Thursday and Friday	July 24-25, 2003	Vancouver
Thursday and Friday	September 25-26, 2003	Pasco
Thursday and Friday	November 20-21, 2003	Tacoma

The above meetings will be held between 1:00 p.m. and 6:00 p.m. on Thursdays and 9:00 a.m. and 12:00 p.m. on Fridays.

If you have any questions, please contact Steve Gorces-ter by phone at (360) 586-1139, or by e-mail at steveg@tib.wa.gov.

WSR 02-16-075

INTERPRETIVE OR POLICY STATEMENT

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed August 6, 2002, 12:45 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Billing Instructions.

Subject: Home health services.

Effective Date: September 2002.

Document Description: These are billing instructions for home health agencies to use when billing for services rendered to medical assistance clients. Included in this document are definitions, purpose of program, client eligibility, coverage/limits/authorization information, provider requirements, criteria for high-risk obstetrical, review period, billing information, fee schedule, and completing the UB-92 claim form.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Bill-

ing Instructions link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail mailto:sullikm@dshs.wa.gov.

August 1, 2002

E. A. Myers, Manager
Rules and Publications Section

WSR 02-16-076

INTERPRETIVE OR POLICY STATEMENT

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed August 6, 2002, 12:46 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-69 MAA.

Subject: Additional drugs and supplies that must be billed to Medicare first for dual-eligible clients.

Effective Date: September 1, 2002.

Document Description: This numbered memorandum describes additional drugs and supplies that must be billed to Medicare first for dual-eligible (Medicare Part B/Medical Assistance) clients.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail mailto:sullikm@dshs.wa.gov.

August 1, 2002

E. A. Myers, Manager
Rules and Publications Section

WSR 02-16-090

OFFICE OF

INSURANCE COMMISSIONER

[Filed August 7, 2002, 10:45 a.m.]

In the Matter of the Merger of CHAR-)	No. G 2002-37
TER TITLE INSURANCE COM-)	NOTICE CONCERN-
PANY With and Into STEWART)	ING PROPOSED
TITLE GUARANTY INSURANCE)	MERGER
COMPANY)	

TO: Robert P. Oakland, President
Charter Title Insurance Company
PO Box 12489
Mill Creek, WA 98082

Malcolm S. Morris, President
Stewart Title Guaranty Insurance Company
PO Box 2029
Houston, TX 77252

MISC.

AND TO:

Patrick Lamb, Esq.
Carney Badley Spellman, P.S.
700 Fifth Avenue, Ste. 5800
Seattle, WA 98104-5017

Mike Kreidler, Insurance Commissioner
Michael G. Watson, Chief Deputy Commissioner
James T. Odiorne, Deputy Commissioner, Company Supervision

James Tompkins, Holding Company Manager,
Company Supervision
Office of the Insurance Commissioner
PO Box 40259
Olympia, WA 98504-0259

On May 22, 2002, Stewart Information Systems Company (SISC), Charter Title Insurance Corporation (Charter) and Stewart Title Guaranty Company (STG), by and through their attorney, Patrick R. Lamb, Esq., filed its request for authorization to merge Charter Title with and into STG. Together with this request, which is in the form of a letter to the Insurance Commissioner dated May 21, 2002, SISC, Charter and STG filed its proposed Agreement and Plan of Merger and proposed Articles of Merger.

Charter is an insurer domiciled in the State of Washington and STG is an insurer domiciled in the State of Texas. Charter and STG are each a wholly owned subsidiary of SISCO. SISCO desires to merge Charter with and into STG, with Charter becoming the disappearing corporation and STG becoming the surviving corporation.

The proposed merger is controlled by RCW 48.31.010. Pursuant to RCW 48.31.010 (1)(a) and (b), a plan of merger must be submitted to and be approved by the Commissioner in advance of the merger, and the Commissioner shall not approve any such plan unless, after a hearing, pursuant to such notice as the Commissioner may require, he finds that the proposed merger is fair, equitable, consistent with law, and that no reasonable objection exists. Further conditions concerning approval of the proposed merger may be found in RCW 48.31.010 (1)(c) and (d). It should be noted that, in the case that this proposed plan of merger is approved, such approval will be made contingent upon approval of this proposed plan of merger by the Texas Insurance Commissioner.

Administrative Law Judge Patricia D. Petersen, who serves as Chief Hearing Officer for the Office of the Insurance Commissioner, has been designated to hear and determine this matter, including making the final findings of facts, conclusions of law and the final order after hearing. Her address is Office of the Insurance Commissioner, Post Office Box 40255, Olympia, Washington 98504-0255. Her telephone number is (360) 664-8768. She has not taken a position in this matter, and will not take a position in this matter, prior to entry of the final order after September 4, 2002.

Pursuant to Notice posted in the Washington State Register on July 17, 2002 and on the Insurance Commissioner's website, a hearing in this matter was held by the undersigned on August 6, 2002 at 1:30 p.m. Pacific Standard Time at the

Office of the Insurance Commissioner, 5000 Capitol Blvd., Room 206, Tumwater, WA. The hearing was held under the authority granted the Commissioner by Chapter 48.04.RCW, RCW 48.31.010 and Chapter 34.05 RCW (the Administrative Procedure Act). The purpose of this hearing was to consider the proposed merger of Charter Title Insurance Corporation with and into Stewart Title Guaranty Company. Pursuant to RCW 48.31.010, approval of this proposed merger is conditioned, in part, upon a finding by the undersigned, based upon evidence presented by testimony and documents at the hearing, that there has been reasonable notice given as to this proposed merger and that this proposed merger is fair, equitable, consistent with law, and that no reasonable objections exist. As of August 5, 2002, no objections had been received by the undersigned, the Insurance Commissioner, Charter, STG or SISCO.

You are hereby notified that any interested individual or entity may indicate his/her or its support, or objection, to this proposed merger by submitting a letter on or before September 4, 2002, to the undersigned at the above address. The record of this proceeding is open, and will include all written statements submitted on or before September 4, 2002. Further, interested individuals and entities may include in their letters a request to present oral testimony as well as their written statements if they so desire, and adequate provision will be made to include such oral testimony in the record. The undersigned will not finally consider this matter, or enter a final decision in this matter, until after September 4, 2002. As indicated above, RCW 48.31.010 states the findings which the undersigned must make before she can grant approval of this proposed merger.

The basic facts relied upon are those set forth in the Plan and Agreement of Merger and proposed Articles of Merger filed with the Commissioner. The Plan and Agreement of Merger and proposed Articles of Merger are now included in the hearing file, are available to the public upon request, and have been made part of the record of this proceeding.

All interested individuals and entities who have questions or concerns concerning this proceeding, or seek additional information relative to submission of written or oral statements, should direct them to Charlene Bowman, Administrative Assistant to the undersigned, at the above address or by telephone to (360) 664-8002.

ENTERED AT OLYMPIA, WASHINGTON, this 7th day of August, 2002.

Patricia D. Petersen
Administrative Law Judge
Chief Hearing Officer

OFFICE OF INSURANCE COMMISSIONER

To request an interpreter,
complete and mail this form to:

Insurance Commissioner
PO Box 40255
Olympia, WA 98504-0255

(For information, call (360) 664-8002

REQUEST FOR INTERPRETER

I am a party or witness in Matter No. _____, before the Insurance Commissioner. I NEED AN INTERPRETER and request that one be furnished.

(Please check the statements that apply to you:)

I am a non-English-speaking person. I cannot readily speak or understand the English language. My primary language is _____ (Insert your primary language). I need an interpreter who can translate to and from the primary language and English.

I am unable to readily understand or communicate the spoken English language because:

- I am deaf.
- I have an impairment of hearing.
- I have an impairment of speech.

[Please state below or on the reverse side any details which would assist the commissioner or presiding officer in arranging for a suitable interpreter, or in providing appropriate mechanical or electronic amplification, viewing, or communication equipment.]

Date: _____ Signed: _____

[Please print or type your name:] _____

Address where I can be contacted: _____

Telephone number by which I can be contacted: _____

Reviser's note: The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 02-16-094
DEPARTMENT OF ECOLOGY
[Filed August 7, 2002, 11:16 a.m.]**

**ANNOUNCEMENT OF ISSUANCE OF GENERAL PERMIT FOR
STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL
ACTIVITIES**

Introduction: On August 21, 2002, ecology reissued the industrial stormwater general permit, a national pollutant discharge elimination system (NPDES) and state waste discharge baseline general permit for stormwater discharges associated with industrial activities in Washington state. This permit will take effect on September 20, 2002, and revokes and replaces the current permit on that date. The reissued permit implements the Federal Clean Water Act and State

Water Pollution Control Act. The purpose of the permit is to protect waters of the state through the regulation of industrial stormwater discharges. Stormwater discharges are conditioned to control the discharge of pollutants associated industrial activities. Most industrial facilities that discharge stormwater to a surface waterbody are included for coverage under this permit. A stormwater discharge includes, but is not limited to, stormwater discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at 40 C.F.R. Subchapter N (Effluent Guidelines and Standards) Part 401 (General Provisions)); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater.

Summary of Public Involvement Process: Ecology provided public notice that the final draft permit was available for public comment and announced public hearings on the permit. Notice was published in the Washington State Register on Wednesday, April 3rd, issue 02-07, WSR 02-07-119, and in the following newspapers: The Bellingham Herald (March 29th), the Olympian (March 29th), the Seattle Journal of Commerce (March 29th), the Spokane Spokesman Review (March 29th), the Aberdeen Daily World (March 30th), the Yakima Herald Republic (March 30th), and the Vancouver Columbian (April 1st). On Friday, March 29th, 2002, ecology mailed the public notice of draft permit and public hearings to the current permittees, the agency list of associations, the agency list of environmental groups, and the regional lists of parties requesting notice of permits. About 1800 notices were sent out. In addition ecology e-mailed to about five hundred interested parties and posted the announcement on the ecology stormwater home page. There were six public workshops and hearings on the proposed permit which provided interested parties an opportunity to give testimony on the permit. The hearings were held in Spokane, Yakima, Mount Vernon, Bellevue, Vancouver, and Tacoma.

Summary of Revisions Based on Public Comments and Testimony: Ecology received public comments and testimony from over fifty organizations and individuals. The draft permit was revised in response to those comments. Most changes were edits to correct minor errors or to provide greater clarity. The overall direction and intent of the revised permit have not changed but there were changes to enhance the effectiveness and applicability of the permit. These changes include:

- S1.B.1. - Uses the permit defined term "significant amount" to identify the threshold for requiring a modification of coverage.
- S2.B.2.b. - Defines "existing facilities" as those in operation as of the effective date of the permit. This change is intended to more closely correspond to the

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- definition of "new operation" in WAC 173-226-030 and enhance permit clarity.
- S2.B.6. - Adds a procedure to modify sampling protocol through modification of permit coverage. This change adds requested flexibility but with public disclosure.
 - S2.C. - Adds a compliance schedule for existing facilities to add a monitoring plan to their SWPPP by March 1, 2003. Providing a compliance schedule was appropriate for implementing a new task.
 - S2.E.3. - Adds clarification on procedure to appeal applicability of revised permit to individual facilities. This change resolves issues that may arise because this permit replaces a permit that has not expired.
 - S3.D. - Limits applicability of permit effluent limits for 303(d) listed waters to listings associated with violations of water quality standards. Listings for sediment and tissue are not included as ecology has not developed appropriate effluent limits for these media.
 - S3.D.2. - Revises the compliance schedule to include monitoring of results after changes are implemented, require at least annual reporting to ecology, and ending the compliance schedule after achieving compliance. The changes were made to better implement the intent of this compliance schedule.
 - S3.E.1.c. - Rephrases this requirement for applicability of mixing zone within the context of AKART rather than BMPs. This better reflects WAC 173-201A-100.
 - S3.E.4. - Revokes mixing zone for failure to meet eligibility criteria as determined by an ecology site visit. This addition is consistent with permit intent and concerns about inappropriate mixing zones.
 - S4.A. - Clarifies sampling requirements, allows for formal modification of sampling protocol, and provides an alternative to grab samples. The additions provide flexibility where it will enhance monitoring results.
 - S4.B. - This new provision consolidates sampling exceptions and adds language to cover inactive/unstaffed facilities. Allows suspension of monitoring on a parameter by parameter basis. These changes were implemented to clarify the intent of the permit on how exceptions to monitoring will occur.
 - S4.C (was S4.A.) - This provision was revised to clarify what is expected in visual monitoring. Language was also added to clarify test method expectations.
 - S4.F. (S4.D. in draft permit) - Limits applicability of 303(d) listings under this provision to water quality-based parameters. This focuses sampling of listed parameters to those that have limits under S3.
 - S4.G. - Adds monitoring for total suspended solids (TSS) for discharges to waters listed for sediment impairment. TSS can be used to identify when discharges are unlikely to contribute to impairment of sediment.
 - S5.A. - Changes the discharge monitoring reporting date from thirty days after the end of a quarter to forty-five days. The increase should provide sufficient time for a permittee to receive their lab data and submit it to ecology.
 - S5.E. - Adds language to noncompliance notification to clarify the threshold for reporting. The change is intended to focus this provision on significant compliance issues.
 - S7.A. - New language distinguishes a "receiving water" from a "stormwater conveyance system." This change better implements the permit's intent of regulating at the receiving water.
 - S7.C. (from draft permit) - Deletes provision that identified circumstances where potential water quality violations would not be a permit violation. These circumstances are better handled under bypass provisions of S8.
 - S7.D. - Adds language identifying the most current 303(d) listing as the applicable listing for this permit.
 - S8. - Revises language of the bypass provision to be more applicable to stormwater.
 - S9. - Applies permit defined term "significant amount" to provide a threshold appropriate for listing materials onsite, addressing pollutant sources, and identifying potential for soil erosion. This provides a reasonable basis for decision making.
 - S9.A.4. - Changes "modifications" to "enhanced/additional best management practices (BMPs)" and adds exceedence of benchmark as a possible trigger for updating BMPs. The changes clarified that this is not a modification of coverage and further defines when updating BMPs may be necessary.
 - S11. - Revises "notice of termination" to better identify when it is appropriate to terminate permit coverage, including conditional certification of no exposure.
 - G3. - Deletes this general condition because it was not applicable to stormwater discharges.
 - Definitions - Adds/revises definitions for AKART, design storm, existing facility, regular business hours, stormwater discharge associated with industrial activities and stormwater management manual.
- Ecology has prepared a *Response to Comments*. It includes a complete list of permit changes, ecology's response to all the types of issues raised by public comments and testimony, a list of those providing comments and testimony, and the text of comments and testimony. It is available from ecology's stormwater home page, <http://www.ecy.wa.gov/programs/wq/stormwater/>, or in hard copy by request to the address below.
- Permit Coverage:** Those facilities that have coverage under the current permit continue to have coverage under the revised permit unless otherwise notified by ecology. Nonpermitted facilities seeking permit coverage should request an application for coverage from ecology's headquarters office at the address below.
- Anyone with knowledge as to why a specific facility should or should not receive coverage under this general permit may contact ecology's headquarters office at the address below (see appeal procedures).
- Appeal Procedures:** Pursuant to RCW 43.21B.310, the terms and conditions of the permit may be appealed within thirty days of the issuance of the general permit. An appeal must be filed with the Pollution Control Hearings Board, P.O. Box 40903, Olympia, WA 98504-0903. In addition, a copy of this appeal must be served on the Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600. The procedures

and requirements for the appeal process are contained in RCW 43.21B.310.

The terms and conditions of a general permit, as they apply to an individual discharger, are appealable within thirty days of the effective date of coverage of that discharger, in accordance with chapter 43.21B RCW. This appeal is limited to the general permit's applicability or nonapplicability to a specific discharger.

Apply for Coverage or Obtain Additional Information: Joyce Smith, Water Quality Program, Stormwater Unit, Washington State Department of Ecology, P.O. Box 47696, Olympia, WA 98504-7696, phone (360) 407-6858, fax (360) 407-6426, e-mail josm461@ecy.wa.gov.

Ecology is an equal opportunity agency. If you have special accommodation needs or require this document in an alternative format, please contact Keith Johnson at (360) 407-6442 or TDD (only) (360) 407-6006.

WSR 02-16-099

**NOTICE OF PUBLIC MEETINGS
PUBLIC WORKS BOARD**

[Memorandum—August 6, 2002]

NOTICE OF MEETING DATE CHANGE

The Public Works Board meeting scheduled for September 3, 2002, in SeaTac, Washington, will be changed to September 17, 2002. Agenda items to be considered are those noted on the published agenda.

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Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJECT = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind of existing section
- REVIEW = Review of previously adopted rule
- SUSP = Suspending an existing section

Suffixes:

- C = Continuance of previous proposal
- E = Emergency action
- P = Proposed action
- S = Supplemental notice
- W = Withdrawal of proposed action
- X = Expedited rule making
- XA = Expedited adoption
- XR = Expedited repeal
- No suffix means permanent action
- WAC #** Shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.
- WSR #** Shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
4- 25-410	AMD	02-04-064	16-154-060	REP-P	02-04-109	16-157-230	NEW	02-10-090
4- 25-520	AMD	02-04-064	16-154-070	REP-P	02-04-109	16-157-240	NEW-P	02-04-109
4- 25-530	AMD-P	02-13-022	16-154-080	REP-P	02-04-109	16-157-240	NEW	02-10-090
4- 25-540	AMD	02-04-064	16-154-090	REP-P	02-04-109	16-157-250	NEW-P	02-04-109
4- 25-610	AMD	02-04-064	16-154-100	REP-P	02-04-109	16-157-250	NEW	02-10-090
4- 25-610	PREP	02-11-007	16-154-110	REP-P	02-04-109	16-157-255	NEW-P	02-04-109
4- 25-620	AMD	02-04-064	16-154-120	REP-P	02-04-109	16-157-255	NEW	02-10-090
4- 25-626	AMD	02-04-064	16-154-180	REP-P	02-04-109	16-157-260	NEW-P	02-04-109
4- 25-630	AMD	02-04-064	16-156-003	REP-P	02-04-109	16-157-260	NEW	02-10-090
4- 25-631	AMD	02-04-064	16-156-004	REP-P	02-04-109	16-157-270	NEW-P	02-04-109
4- 25-640	AMD-W	02-04-062	16-156-005	REP-P	02-04-109	16-157-270	NEW	02-10-090
4- 25-640	PREP	02-04-063	16-156-010	REP-P	02-04-109	16-157-275	NEW-P	02-04-109
4- 25-660	AMD	02-04-064	16-156-020	REP-P	02-04-109	16-157-275	NEW	02-10-090
4- 25-710	PREP	02-04-063	16-156-030	REP-P	02-04-109	16-157-280	NEW-P	02-04-109
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4- 25-730	AMD	02-04-064	16-156-060	REP-P	02-04-109	16-157-290	NEW	02-10-090
4- 25-735	NEW	02-04-064	16-156-070	REP-P	02-04-109	16-158-010	REP-P	02-04-109
4- 25-745	AMD	02-04-064	16-157	AMD-C	02-07-117	16-158-020	REP-P	02-04-109
4- 25-746	AMD	02-04-064	16-157	PREP	02-16-098	16-158-027	REP-P	02-04-109
4- 25-750	AMD	02-04-064	16-157-010	NEW-P	02-04-109	16-158-028	REP-P	02-04-109
4- 25-752	NEW	02-04-064	16-157-010	NEW	02-10-090	16-158-030	REP-P	02-04-109
4- 25-756	NEW	02-04-064	16-157-020	NEW-P	02-04-109	16-158-040	REP-P	02-04-109
4- 25-783	AMD	02-04-064	16-157-020	NEW	02-10-090	16-158-050	REP-P	02-04-109
4- 25-790	AMD	02-04-064	16-157-030	NEW-P	02-04-109	16-158-060	REP-P	02-04-109
4- 25-791	AMD	02-04-064	16-157-030	NEW	02-10-090	16-158-080	REP-P	02-04-109
4- 25-792	AMD	02-04-064	16-157-100	NEW-P	02-04-109	16-158-090	REP-P	02-04-109
4- 25-793	NEW	02-04-064	16-157-100	NEW	02-10-090	16-158-100	REP-P	02-04-109
4- 25-795	AMD	02-04-064	16-157-110	NEW-P	02-04-109	16-158-110	REP-P	02-04-109
4- 25-820	AMD	02-04-064	16-157-110	NEW	02-10-090	16-158-120	REP-P	02-04-109
4- 25-830	AMD	02-04-064	16-157-120	NEW-P	02-04-109	16-158-130	REP-P	02-04-109
4- 25-910	AMD	02-04-064	16-157-120	NEW	02-10-090	16-158-135	REP-P	02-04-109
4- 25-930	NEW-P	02-13-021	16-157-200	NEW-P	02-04-109	16-158-150	REP-P	02-04-109
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						16-162-037	REP-P	02-04-109

Table of WAC Sections Affected

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16-164-060	REP-P	02-04-109	16-302-260	PREP	02-05-083	16-324-375	AMD	02-12-010
16-164-070	REP-P	02-04-109	16-302-260	AMD-P	02-09-059	16-324-398	AMD-P	02-08-087
16-164-080	REP-P	02-04-109	16-302-260	AMD	02-12-060	16-324-398	AMD	02-12-010
16-164-085	REP-P	02-04-109	16-302-330	PREP	02-05-083	16-324-401	AMD-P	02-08-087
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16-164-100	REP-P	02-04-109	16-302-330	AMD	02-12-060	16-324-431	AMD-P	02-08-087
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16-228-1235	NEW-P	02-07-080	16-302-390	PREP	02-05-083	16-324-730	AMD-P	02-08-087
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16-228-2015	NEW-P	02-14-092	16-303-210	AMD	02-12-061	16-403-280	AMD-C	02-12-005
16-228-2020	REP-P	02-14-092	16-303-230	PREP	02-03-127	16-403-280	AMD	02-12-011
16-228-2025	NEW-P	02-14-092	16-303-230	AMD-P	02-09-060	16-449	PREP	02-16-089
16-228-2030	REP-P	02-14-092	16-303-230	AMD	02-12-061	16-458	PREP	02-14-128
16-228-2035	NEW-P	02-14-092	16-303-250	PREP	02-03-127	16-458-075	AMD-E	02-14-127
16-228-2040	REP-P	02-14-092	16-303-250	PREP	02-05-083	16-458-080	REP-E	02-14-127
16-228-2045	NEW-P	02-14-092	16-303-250	AMD-P	02-09-060	16-458-085	AMD-E	02-14-127
16-228-2050	NEW-P	02-14-092	16-303-250	AMD	02-12-061	16-459	PREP	02-16-089
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16-301-045	AMD-P	02-09-059	16-303-310	AMD	02-12-061	16-462-021	AMD	02-11-100
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16-470-810	NEW-E	02-07-120	16-557-020	REP-C	02-09-005	16-752-610	AMD-P	02-09-098
16-470-810	NEW	02-09-099	16-557-020	REP-W	02-11-083	16-752-610	AMD	02-12-030
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16-470-830	NEW-E	02-07-120	16-557-040	REP-C	02-09-005	36-12-020	AMD	02-03-069
16-470-830	NEW	02-09-099	16-557-040	REP-W	02-11-083	36-12-030	AMD	02-03-069
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16-470-840	NEW-E	02-07-120	16-557-041	REP-W	02-11-083	36-12-030	AMD-P	02-16-060
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16-470-850	NEW-E	02-07-120	16-557-060	REP-C	02-09-005	36-12-060	REP	02-03-069
16-470-850	NEW	02-09-099	16-557-060	REP-W	02-11-083	36-12-070	AMD	02-03-069
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16-470-860	NEW-E	02-07-120	16-557-070	REP-W	02-11-083	36-12-100	AMD	02-03-069
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16-484-230	AMD	02-12-009	16-662-105	AMD	02-12-029	36-12-160	REP	02-03-069
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16-489-010	NEW	02-13-125	16-674-040	AMD-P	02-12-128	36-12-220	REP	02-03-069
16-489-020	NEW-P	02-10-123	16-674-040	AMD	02-15-141	36-12-240	AMD	02-03-069
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16-489-070	NEW	02-13-125	16-674-095	AMD	02-15-141	36-12-330	REP	02-03-069
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36- 13-050	AMD-P	02-16-060	82- 50-021	AMD-X	02-09-025	98- 80-040	NEW-P	02-14-058
36- 13-060	REP-P	02-16-060	82- 50-021	AMD	02-13-087	98- 80-050	NEW-P	02-14-058
36- 13-070	REP-P	02-16-060	98- 08-001	NEW-P	02-14-058	98- 80-060	NEW-P	02-14-058
36- 13-080	REP-P	02-16-060	98- 08-010	REP-P	02-14-058	98- 80-070	NEW-P	02-14-058
36- 13-090	REP-P	02-16-060	98- 08-030	REP-P	02-14-058	106-116-103	AMD-P	02-15-116
36- 13-100	REP-P	02-16-060	98- 08-040	REP-P	02-14-058	106-116-201	AMD-P	02-15-116
36- 13-110	AMD-P	02-16-060	98- 08-050	REP-P	02-14-058	106-116-208	AMD-P	02-15-116
36- 13-120	AMD-P	02-16-060	98- 08-060	REP-P	02-14-058	106-116-304	AMD-P	02-15-116
36- 13-130	AMD-P	02-16-060	98- 08-070	REP-P	02-14-058	106-116-305	AMD-P	02-15-116
36- 14	PREP	02-13-139	98- 08-080	REP-P	02-14-058	106-116-308	AMD-P	02-15-116
36- 14-105	NEW-P	02-16-060	98- 08-080	REP-P	02-14-058	106-116-308	AMD-P	02-15-116
36- 14-106	NEW-P	02-16-060	98- 08-090	REP-P	02-14-058	106-116-514	AMD-P	02-15-116
36- 14-110	AMD-P	02-16-060	98- 08-100	REP-P	02-14-058	106-116-601	AMD-P	02-15-116
36- 14-120	NEW-P	02-16-060	98- 08-110	REP-P	02-14-058	106-116-603	AMD-P	02-15-116
36- 14-400	AMD-P	02-16-060	98- 08-120	REP-P	02-14-058	106-116-701	AMD-P	02-15-116
36- 14-410	AMD-P	02-16-060	98- 08-130	REP-P	02-14-058	106-116-856	AMD-P	02-15-116
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44- 10-010	AMD-P	02-10-060	98- 08-150	REP-P	02-14-058	106-276-100	AMD-X	02-12-018
44- 10-010	AMD	02-12-093	98- 08-170	REP-P	02-14-058	118- 65-020	AMD-P	02-09-072
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44- 10-050	AMD	02-12-093	98- 08-200	REP-P	02-14-058	118- 65-030	AMD-P	02-09-072
44- 10-060	AMD-P	02-10-060	98- 08-210	REP-P	02-14-058	118- 65-030	AMD	02-12-053
44- 10-060	AMD	02-12-093	98- 08-220	REP-P	02-14-058	118- 65-040	AMD-P	02-09-072
44- 10-070	AMD-P	02-10-060	98- 08-370	REP-P	02-14-058	118- 65-040	AMD	02-12-053
44- 10-070	AMD	02-12-093	98- 08-380	REP-P	02-14-058	118- 65-040	AMD	02-12-053
44- 10-080	AMD-P	02-10-060	98- 08-390	REP-P	02-14-058	118- 65-050	AMD-P	02-09-072
44- 10-080	AMD	02-12-093	98- 08-400	REP-P	02-14-058	118- 65-050	AMD	02-12-053
44- 10-100	AMD-P	02-10-060	98- 08-410	REP-P	02-14-058	118- 65-060	AMD-P	02-09-072
44- 10-100	AMD	02-12-093	98- 08-420	REP-P	02-14-058	118- 65-060	AMD	02-12-053
44- 10-110	AMD-P	02-10-060	98- 08-430	REP-P	02-14-058	118- 65-070	AMD-P	02-09-072
44- 10-110	AMD	02-12-093	98- 08-440	REP-P	02-14-058	118- 65-070	AMD	02-12-053
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44- 10-120	AMD	02-12-093	98- 08-460	REP-P	02-14-058	118- 65-081	AMD	02-12-053
44- 10-130	AMD-P	02-10-060	98- 08-470	REP-P	02-14-058	118- 65-090	AMD-P	02-09-072
44- 10-130	AMD	02-12-093	98- 08-480	REP-P	02-14-058	118- 65-090	AMD	02-12-053
44- 10-140	AMD-P	02-10-060	98- 08-490	REP-P	02-14-058	130- 14-010	AMD-P	02-03-131
44- 10-140	AMD	02-12-093	98- 08-500	REP-P	02-14-058	130- 14-010	AMD	02-06-043
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44- 10-150	AMD	02-12-093	98- 08-520	REP-P	02-14-058	130- 14-030	AMD	02-06-043
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44- 10-160	AMD	02-12-093	98- 08-540	REP-P	02-14-058	130- 14-050	AMD	02-06-043
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44- 10-221	AMD	02-12-093	98- 14-070	AMD-P	02-14-058	132G-104-020	AMD-P	02-06-127
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44- 10-222	AMD	02-12-093	98- 15-010	NEW-P	02-14-058	132G-104-030	REP-P	02-06-127
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44- 10-300	AMD	02-12-093	98- 40-010	REP-P	02-14-058	132H-106-030	AMD-P	02-05-052
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132H-120-220	AMD	02-10-069	132H-410-070	NEW	02-10-070	132Z-116-040	NEW-E	02-12-056
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132H-120-300	AMD	02-10-069	132H-410-080	NEW	02-10-070	132Z-116-050	NEW-E	02-04-061
132H-120-350	AMD-P	02-03-106	132H-410-090	NEW-P	02-03-107	132Z-116-050	NEW	02-11-048
132H-120-350	AMD	02-10-069	132H-410-090	NEW	02-10-070	132Z-116-050	NEW-E	02-12-056
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173-700-400	NEW-W	02-12-058	180- 16-002	AMD-E	02-08-038	180- 23-060	REP-P	02-14-118
173-700-401	NEW-W	02-12-058	180- 16-002	AMD-E	02-14-114	180- 23-065	REP-P	02-14-118
173-700-402	NEW-W	02-12-058	180- 16-002	AMD-P	02-14-117	180- 23-070	REP-P	02-14-118
173-700-403	NEW-W	02-12-058	180- 16-006	REP-E	02-08-038	180- 23-075	REP-P	02-14-118
173-700-404	NEW-W	02-12-058	180- 16-006	REP-E	02-14-114	180- 23-077	REP-P	02-14-118
173-700-405	NEW-W	02-12-058	180- 16-006	REP-P	02-14-117	180- 23-078	REP-P	02-14-118
173-700-410	NEW-W	02-12-058	180- 16-162	AMD-P	02-14-126	180- 23-080	REP-P	02-14-118
173-700-411	NEW-W	02-12-058	180- 16-191	AMD-P	02-14-126	180- 23-085	REP-P	02-14-118
173-700-412	NEW-W	02-12-058	180- 16-195	AMD-E	02-08-038	180- 23-090	REP-P	02-14-118
173-700-413	NEW-W	02-12-058	180- 16-195	AMD-E	02-14-114	180- 23-095	REP-P	02-14-118
173-700-414	NEW-W	02-12-058	180- 16-195	AMD-P	02-14-117	180- 23-100	REP-P	02-14-118
173-700-415	NEW-W	02-12-058	180- 16-215	AMD-P	02-14-126	180- 23-105	REP-P	02-14-118
173-700-416	NEW-W	02-12-058	180- 16-220	AMD-E	02-08-038	180- 23-110	REP-P	02-14-118
173-700-420	NEW-W	02-12-058	180- 16-220	AMD-E	02-14-114	180- 23-115	REP-P	02-14-118
173-700-421	NEW-W	02-12-058	180- 16-220	AMD-P	02-14-117	180- 23-120	REP-P	02-14-118
173-700-422	NEW-W	02-12-058	180- 16-227	NEW-E	02-08-038	180- 24	PREP	02-06-052
173-700-423	NEW-W	02-12-058	180- 16-227	NEW-E	02-14-114	180- 24-400	AMD-E	02-08-035
173-700-500	NEW-W	02-12-058	180- 16-227	NEW-P	02-14-117	180- 24-400	AMD-P	02-10-053
173-700-501	NEW-W	02-12-058	180- 18	PREP	02-08-039	180- 24-400	AMD	02-14-113
173-700-502	NEW-W	02-12-058	180- 18-010	AMD-E	02-08-038	180- 24-405	REP-E	02-08-035
173-700-503	NEW-W	02-12-058	180- 18-010	AMD-E	02-14-114	180- 24-405	REP-P	02-10-053
173-700-504	NEW-W	02-12-058	180- 18-010	AMD-P	02-14-117	180- 24-405	REP	02-14-113
173-700-505	NEW-W	02-12-058	180- 18-020	REP-E	02-08-038	180- 24-410	AMD-E	02-08-035
173-700-600	NEW-W	02-12-058	180- 18-020	REP-E	02-14-114	180- 24-410	AMD-P	02-10-053
173-700-610	NEW-W	02-12-058	180- 18-020	REP-P	02-14-117	180- 24-410	AMD	02-14-113
173-700-611	NEW-W	02-12-058	180- 20	PREP	02-10-049	180- 24-415	AMD-E	02-08-035
173-700-612	NEW-W	02-12-058	180- 20	PREP	02-10-084	180- 24-415	AMD-P	02-10-053
173-700-620	NEW-W	02-12-058	180- 20-005	AMD-P	02-14-116	180- 24-415	AMD	02-14-113
173-700-630	NEW-W	02-12-058	180- 20-007	NEW-P	02-14-116	180- 25	PREP	02-06-053
173-700-700	NEW-W	02-12-058	180- 20-009	NEW-P	02-14-116	180- 26	PREP	02-06-054
173-700-710	NEW-W	02-12-058	180- 20-030	REP-P	02-14-116	180- 27	PREP	02-06-055
173-700-720	NEW-W	02-12-058	180- 20-031	AMD-P	02-14-116	180- 29	PREP	02-06-056
173-700-730	NEW-W	02-12-058	180- 20-034	REP-P	02-14-116	180- 31	PREP	02-06-057
173-700-731	NEW-W	02-12-058	180- 20-090	REP-P	02-14-116	180- 32	PREP	02-06-058
173-700-732	NEW-W	02-12-058	180- 20-095	REP-P	02-14-116	180- 33	PREP	02-06-059
173-700-740	NEW-W	02-12-058	180- 20-101	AMD-P	02-14-116	180- 34	PREP	02-08-046
173-700-750	NEW-W	02-12-058	180- 20-111	AMD-P	02-14-116	180- 34-005	REP-P	02-14-119
173-700-800	NEW-W	02-12-058	180- 20-115	REP-P	02-14-116	180- 34-010	REP-P	02-14-119
180- 08	PREP	02-08-041	180- 20-120	AMD-P	02-14-116	180- 36	PREP	02-06-060
180- 08	AMD-P	02-14-115	180- 20-123	REP-P	02-14-116	180- 37-005	PREP	02-10-051
180- 08-001	NEW-P	02-14-115	180- 20-125	REP-P	02-14-116	180- 37-005	NEW-P	02-14-120
180- 08-002	NEW-P	02-14-115	180- 20-130	REP-P	02-14-116	180- 37-010	PREP	02-10-051
180- 08-003	REP-P	02-14-115	180- 20-135	AMD-P	02-14-116	180- 37-010	NEW-P	02-14-120
180- 08-004	NEW-P	02-14-115	180- 22	PREP	02-08-045	180- 38	PREP	02-08-043
180- 08-005	REP-P	02-14-115	180- 22-100	AMD-P	02-14-118	180- 38	AMD-P	02-14-140
180- 08-006	NEW-P	02-14-115	180- 22-105	REP-P	02-14-118	180- 38-005	AMD-P	02-14-140
180- 08-008	NEW-P	02-14-115	180- 22-140	AMD-P	02-14-118	180- 38-010	REP-P	02-14-140
180- 10	PREP	02-08-041	180- 22-150	AMD-P	02-14-118	180- 38-020	AMD-P	02-14-140
180- 10-001	REP-P	02-14-115	180- 22-201	NEW-P	02-14-118	180- 38-025	REP-P	02-14-140
180- 10-003	REP-P	02-14-115	180- 22-205	NEW-P	02-14-118	180- 38-030	REP-P	02-14-140
180- 10-005	REP-P	02-14-115	180- 22-210	NEW-P	02-14-118	180- 38-035	REP-P	02-14-140
180- 10-007	REP-P	02-14-115	180- 22-215	NEW-P	02-14-118	180- 38-040	REP-P	02-14-140
180- 10-010	REP-P	02-14-115	180- 22-220	NEW-P	02-14-118	180- 38-045	AMD-P	02-14-140
180- 10-015	REP-P	02-14-115	180- 22-225	NEW-P	02-14-118	180- 38-050	AMD-P	02-14-140
180- 10-020	REP-P	02-14-115	180- 23	PREP	02-08-045	180- 38-055	REP-P	02-14-140
180- 10-025	REP-P	02-14-115	180- 23-037	REP-P	02-14-118	180- 38-060	REP-P	02-14-140
180- 10-030	REP-P	02-14-115	180- 23-040	REP-P	02-14-118	180- 38-065	AMD-P	02-14-140
180- 10-035	REP-P	02-14-115	180- 23-043	REP-P	02-14-118	180- 38-070	REP-P	02-14-140
180- 10-040	REP-P	02-14-115	180- 23-047	REP-P	02-14-118	180- 39	PREP	02-06-061
180- 10-045	REP-P	02-14-115	180- 23-050	REP-P	02-14-118	180- 40	PREP	02-06-062
180- 16	PREP	02-08-039	180- 23-055	REP-P	02-14-118	180- 41	PREP	02-06-063
180- 16	PREP	02-08-044	180- 23-058	REP-P	02-14-118	180- 43	PREP	02-08-042

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180- 43-005	AMD-P	02-14-123	180- 55-025	REP-P	02-14-117	180- 72	PREP	02-06-067
180- 43-010	AMD-P	02-14-123	180- 55-030	REP-E	02-08-038	180- 77	AMD	02-04-018
180- 43-015	AMD-P	02-14-123	180- 55-030	REP-E	02-14-114	180- 77	PREP	02-06-068
180- 44	PREP	02-06-064	180- 55-030	REP-P	02-14-117	180- 77-002	AMD	02-04-018
180- 46	PREP	02-06-065	180- 55-032	NEW-E	02-08-038	180- 77-003	AMD	02-04-018
180- 50	PREP	02-06-066	180- 55-032	NEW-E	02-14-114	180- 77-005	AMD	02-04-018
180- 50-135	PREP	02-15-026	180- 55-032	NEW-P	02-14-117	180- 77-012	AMD	02-04-018
180- 52-070	NEW-P	02-08-092	180- 55-034	NEW-E	02-08-038	180- 77-014	AMD	02-04-018
180- 52-070	NEW-P	02-10-089	180- 55-034	NEW-E	02-14-114	180- 77-020	AMD	02-04-018
180- 52-070	NEW	02-14-125	180- 55-034	NEW-P	02-14-117	180- 77-025	AMD	02-04-018
180- 53	PREP	02-08-039	180- 55-035	REP-E	02-08-038	180- 77-031	AMD	02-04-018
180- 53-005	REP-E	02-08-038	180- 55-035	REP-E	02-14-114	180- 77-041	AMD	02-04-018
180- 53-005	REP-E	02-14-114	180- 55-035	REP-P	02-14-117	180- 77-041	PREP	02-10-048
180- 53-005	REP-P	02-14-117	180- 55-050	REP-E	02-08-038	180- 77-041	AMD-P	02-14-106
180- 53-010	REP-E	02-08-038	180- 55-050	REP-E	02-14-114	180- 77-068	AMD	02-04-018
180- 53-010	REP-E	02-14-114	180- 55-050	REP-P	02-14-117	180- 77-070	AMD	02-04-018
180- 53-010	REP-P	02-14-117	180- 55-070	REP-E	02-08-038	180- 77-075	AMD	02-04-018
180- 53-020	REP-E	02-08-038	180- 55-070	REP-E	02-14-114	180- 77-080	AMD	02-04-018
180- 53-020	REP-E	02-14-114	180- 55-070	REP-P	02-14-117	180- 77-110	AMD	02-04-018
180- 53-020	REP-P	02-14-117	180- 55-075	REP-E	02-08-038	180- 77-120	AMD	02-04-018
180- 53-025	REP-E	02-08-038	180- 55-075	REP-E	02-14-114	180- 77-122	AMD	02-04-018
180- 53-025	REP-E	02-14-114	180- 55-075	REP-P	02-14-117	180- 77A	AMD	02-04-018
180- 53-025	REP-P	02-14-117	180- 55-080	REP-E	02-08-038	180- 77A	PREP	02-06-069
180- 53-030	REP-E	02-08-038	180- 55-080	REP-E	02-14-114	180- 77A-004	AMD	02-04-018
180- 53-030	REP-E	02-14-114	180- 55-080	REP-P	02-14-117	180- 77A-006	AMD	02-04-018
180- 53-030	REP-P	02-14-117	180- 55-085	REP-E	02-08-038	180- 77A-025	AMD	02-04-018
180- 53-035	REP-E	02-08-038	180- 55-085	REP-E	02-14-114	180- 77A-029	AMD	02-04-018
180- 53-035	REP-E	02-14-114	180- 55-085	REP-P	02-14-117	180- 77A-030	AMD	02-04-018
180- 53-035	REP-P	02-14-117	180- 55-090	REP-E	02-08-038	180- 77A-033	AMD	02-04-018
180- 53-040	REP-E	02-08-038	180- 55-090	REP-E	02-14-114	180- 77A-037	AMD	02-04-018
180- 53-040	REP-E	02-14-114	180- 55-090	REP-P	02-14-117	180- 77A-040	AMD	02-04-018
180- 53-040	REP-P	02-14-117	180- 55-095	REP-E	02-08-038	180- 77A-057	AMD	02-04-018
180- 53-045	REP-E	02-08-038	180- 55-095	REP-E	02-14-114	180- 77A-165	AMD	02-04-018
180- 53-045	REP-E	02-14-114	180- 55-095	REP-P	02-14-117	180- 77A-180	AMD	02-04-018
180- 53-045	REP-P	02-14-117	180- 55-100	REP-E	02-08-038	180- 77A-195	AMD	02-04-018
180- 53-050	REP-E	02-08-038	180- 55-100	REP-E	02-14-114	180- 78A	PREP	02-06-070
180- 53-050	REP-E	02-14-114	180- 55-100	REP-P	02-14-117	180- 78A-010	AMD-P	02-14-109
180- 53-050	REP-P	02-14-117	180- 55-105	REP-E	02-08-038	180- 78A-100	AMD-P	02-14-109
180- 53-055	REP-E	02-08-038	180- 55-105	REP-E	02-14-114	180- 78A-200	AMD-P	02-14-109
180- 53-055	REP-E	02-14-114	180- 55-105	REP-P	02-14-117	180- 78A-209	AMD	02-04-018
180- 53-055	REP-P	02-14-117	180- 55-110	REP-E	02-08-038	180- 78A-220	AMD	02-04-014
180- 53-060	REP-E	02-08-038	180- 55-110	REP-E	02-14-114	180- 78A-250	AMD-P	02-14-109
180- 53-060	REP-E	02-14-114	180- 55-110	REP-P	02-14-117	180- 78A-255	AMD	02-04-014
180- 53-060	REP-P	02-14-117	180- 55-115	REP-E	02-08-038	180- 78A-261	AMD	02-04-014
180- 53-070	REP-E	02-08-038	180- 55-115	REP-E	02-14-114	180- 78A-264	AMD	02-04-014
180- 53-070	REP-E	02-14-114	180- 55-115	REP-P	02-14-117	180- 78A-270	AMD	02-04-018
180- 53-070	REP-P	02-14-117	180- 55-120	REP-E	02-08-038	180- 78A-270	AMD-P	02-14-109
180- 55	PREP	02-08-039	180- 55-120	REP-E	02-14-114	180- 78A-325	AMD-P	02-14-109
180- 55-005	AMD-E	02-08-038	180- 55-120	REP-P	02-14-117	180- 78A-400	AMD-P	02-14-109
180- 55-005	AMD-E	02-14-114	180- 55-125	REP-E	02-08-038	180- 78A-500	AMD-P	02-14-109
180- 55-005	AMD-P	02-14-117	180- 55-125	REP-E	02-14-114	180- 78A-505	PREP	02-06-051
180- 55-010	REP-E	02-08-038	180- 55-125	REP-P	02-14-117	180- 78A-505	AMD-P	02-10-085
180- 55-010	REP-E	02-14-114	180- 55-130	REP-E	02-08-038	180- 78A-505	AMD-P	02-14-109
180- 55-010	REP-P	02-14-117	180- 55-130	REP-E	02-14-114	180- 78A-505	AMD	02-14-111
180- 55-015	AMD-E	02-08-038	180- 55-130	REP-P	02-14-117	180- 78A-507	NEW-P	02-14-109
180- 55-015	AMD-E	02-14-114	180- 55-135	REP-E	02-08-038	180- 78A-535	AMD-P	02-14-109
180- 55-015	AMD-P	02-14-117	180- 55-135	REP-E	02-14-114	180- 78A-540	AMD-P	02-14-109
180- 55-020	AMD-E	02-08-038	180- 55-135	REP-P	02-14-117	180- 78A-700	PREP	02-15-028
180- 55-020	AMD-E	02-14-114	180- 55-150	NEW-E	02-08-038	180- 79A	PREP	02-06-071
180- 55-020	AMD-P	02-14-117	180- 55-150	NEW-E	02-14-114	180- 79A-015	REP-P	02-14-109
180- 55-025	REP-E	02-08-038	180- 55-150	NEW-P	02-14-117	180- 79A-020	REP-P	02-14-109
180- 55-025	REP-E	02-14-114	180- 57	PREP	02-16-007	180- 79A-022	REP-P	02-14-109

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180- 79A-107	NEW-E	02-14-036	180- 86-055	PREP	02-03-084	180- 90-130	AMD-P	02-10-088
180- 79A-117	AMD	02-04-018	180- 86-055	REP-P	02-10-052	180- 90-130	AMD-W	02-14-110
180- 79A-130	AMD	02-04-018	180- 86-055	REP-P	02-14-122	180- 90-130	AMD-P	02-14-124
180- 79A-131	AMD-P	02-14-109	180- 86-065	AMD-P	02-10-052	180- 90-133	REP-E	02-08-037
180- 79A-140	AMD	02-04-018	180- 86-065	AMD-P	02-14-122	180- 90-133	REP-P	02-10-088
180- 79A-140	AMD	02-13-027	180- 86-070	AMD-P	02-10-052	180- 90-133	REP-W	02-14-110
180- 79A-140	AMD-P	02-14-109	180- 86-070	AMD-P	02-14-122	180- 90-133	REP-P	02-14-124
180- 79A-145	AMD-P	02-14-109	180- 86-075	AMD-P	02-10-052	180- 90-135	REP-E	02-08-037
180- 79A-150	AMD	02-04-018	180- 86-075	AMD-P	02-14-122	180- 90-135	REP-P	02-10-088
180- 79A-150	PREP	02-10-050	180- 86-100	AMD-P	02-10-052	180- 90-135	REP-W	02-14-110
180- 79A-150	AMD-P	02-14-109	180- 86-100	AMD-P	02-14-122	180- 90-135	REP-P	02-14-124
180- 79A-155	PREP	02-16-008	180- 86-116	AMD-P	02-10-052	180- 90-137	REP-E	02-08-037
180- 79A-206	PREP	02-05-061	180- 86-116	AMD-P	02-14-122	180- 90-137	REP-P	02-10-088
180- 79A-206	AMD-P	02-10-085	180- 86-130	AMD-P	02-10-052	180- 90-137	REP-W	02-14-110
180- 79A-206	AMD	02-14-111	180- 86-130	AMD-P	02-14-122	180- 90-137	REP-P	02-14-124
180- 79A-211	AMD	02-04-018	180- 86-140	AMD-P	02-10-052	180- 90-141	AMD-E	02-08-037
180- 79A-211	AMD-P	02-14-109	180- 86-140	AMD-P	02-14-122	180- 90-141	AMD-P	02-10-088
180- 79A-231	AMD	02-13-027	180- 86-145	AMD-P	02-10-052	180- 90-141	AMD-W	02-14-110
180- 79A-231	PREP	02-16-010	180- 86-145	AMD-P	02-14-122	180- 90-141	AMD-P	02-14-124
180- 79A-250	PREP	02-05-060	180- 86-160	AMD-P	02-10-052	180- 90-160	AMD-E	02-08-037
180- 79A-250	AMD-P	02-10-087	180- 86-160	AMD-P	02-14-122	180- 90-160	AMD-P	02-10-088
180- 79A-250	AMD-W	02-12-123	180- 86-170	AMD-P	02-10-052	180- 90-160	AMD-W	02-14-110
180- 79A-250	AMD-P	02-14-109	180- 86-170	AMD-P	02-14-122	180- 90-160	AMD-P	02-14-124
180- 81	PREP	02-06-072	180- 86-180	AMD-P	02-10-052	180- 95	PREP	02-06-079
180- 82	PREP	02-06-073	180- 86-180	AMD-P	02-14-122	180- 96	PREP	02-06-080
180- 82-105	AMD	02-04-018	180- 86-185	AMD-P	02-10-052	180- 97	PREP	02-08-040
180- 82-105	PREP	02-10-045	180- 86-185	AMD-P	02-14-122	180- 97-003	AMD-E	02-08-034
180- 82-105	AMD-P	02-14-108	180- 87	PREP	02-06-077	180- 97-003	AMD-P	02-14-121
180- 82-110	PREP	02-16-009	180- 90	PREP	02-06-078	180- 97-005	REP-E	02-08-034
180- 82-120	AMD-P	02-14-109	180- 90-105	AMD-E	02-08-037	180- 97-005	REP-P	02-14-121
180- 82-202	AMD	02-04-018	180- 90-105	AMD-P	02-10-088	180- 97-010	AMD-E	02-08-034
180- 82-322	AMD	02-04-018	180- 90-105	AMD-W	02-14-110	180- 97-010	AMD-P	02-14-121
180- 82-346	AMD	02-04-016	180- 90-105	AMD-P	02-14-124	180- 97-015	REP-E	02-08-034
180- 82-350	AMD	02-04-018	180- 90-110	REP-E	02-08-037	180- 97-015	REP-P	02-14-121
180- 82A-002	NEW	02-04-013	180- 90-110	REP-P	02-10-088	180- 97-020	REP-E	02-08-034
180- 82A-004	NEW-W	02-13-028	180- 90-110	REP-W	02-14-110	180- 97-020	REP-P	02-14-121
180- 82A-200	NEW	02-04-013	180- 90-110	REP-P	02-14-124	180- 97-040	AMD-E	02-08-034
180- 82A-201	NEW-W	02-13-028	180- 90-112	AMD-E	02-08-037	180- 97-040	AMD-P	02-14-121
180- 82A-202	NEW	02-04-013	180- 90-112	AMD-P	02-10-088	180- 97-050	REP-E	02-08-034
180- 82A-204	NEW	02-04-013	180- 90-112	AMD-W	02-14-110	180- 97-050	REP-P	02-14-121
180- 82A-206	NEW	02-04-013	180- 90-112	AMD-P	02-14-124	180- 97-060	AMD-E	02-08-034
180- 82A-215	NEW	02-04-013	180- 90-115	REP-E	02-08-037	180- 97-060	AMD-P	02-14-121
180- 83	PREP	02-06-074	180- 90-115	REP-P	02-10-088	180- 97-070	REP-E	02-08-034
180- 85	PREP	02-06-075	180- 90-115	REP-W	02-14-110	180- 97-070	REP-P	02-14-121
180- 85	PREP	02-15-027	180- 90-115	REP-P	02-14-124	180- 97-080	AMD-E	02-08-034
180- 85-025	AMD-P	02-14-107	180- 90-119	REP-E	02-08-037	180- 97-080	AMD-P	02-14-121
180- 85-033	NEW-P	02-14-107	180- 90-119	REP-P	02-10-088	180- 97-090	REP-E	02-08-034
180- 85-035	AMD	02-04-017	180- 90-119	REP-W	02-14-110	180- 97-090	REP-P	02-14-121
180- 85-075	AMD	02-04-017	180- 90-119	REP-P	02-14-124	180- 97-100	REP-E	02-08-034
180- 85-075	PREP	02-06-081	180- 90-120	REP-E	02-08-037	180- 97-100	REP-P	02-14-121
180- 85-075	AMD-P	02-10-086	180- 90-120	REP-P	02-10-088	182	PREP	02-11-034
180- 85-075	AMD	02-14-112	180- 90-120	REP-W	02-14-110	182	PREP	02-11-035
180- 86	PREP	02-06-076	180- 90-120	REP-P	02-14-124	182- 08-190	AMD-P	02-15-178
180- 86-011	AMD-P	02-10-052	180- 90-123	REP-E	02-08-037	182- 12-111	AMD-P	02-15-177
180- 86-011	AMD-P	02-14-122	180- 90-123	REP-P	02-10-088	182- 12-119	AMD-P	02-15-177
180- 86-013	AMD-P	02-10-052	180- 90-123	REP-W	02-14-110	182- 12-132	AMD-P	02-15-177
180- 86-013	AMD-P	02-14-122	180- 90-123	REP-P	02-14-124	182- 12-220	AMD-P	02-15-178
180- 86-020	PREP	02-03-084	180- 90-125	REP-E	02-08-037	182- 12-230	NEW-P	02-05-078
180- 86-020	REP-P	02-10-052	180- 90-125	REP-P	02-10-088	182- 12-230	NEW	02-08-047
180- 86-020	REP-P	02-14-122	180- 90-125	REP-W	02-14-110	182- 12-230	AMD-P	02-15-177
180- 86-030	AMD-P	02-10-052	180- 90-125	REP-P	02-14-124	182- 20-250	NEW-P	02-15-179

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182- 25-020	AMD-P	02-15-176	196- 26A-035	NEW	02-13-080	212- 12-005	PREP	02-07-018
182- 25-040	AMD-P	02-15-180	196- 26A-040	NEW-P	02-08-075	212- 12-005	AMD-P	02-11-038
182- 25-080	AMD-P	02-15-176	196- 26A-040	NEW	02-13-080	212- 12-005	AMD	02-16-023
182- 25-085	AMD-P	02-15-180	196- 26A-045	NEW-P	02-08-075	212- 12-010	PREP	02-07-018
182- 25-090	AMD-P	02-15-180	196- 26A-045	NEW	02-13-080	212- 12-010	AMD-P	02-11-038
192- 16-013	REP-X	02-08-071	196- 26A-050	NEW-P	02-08-075	212- 12-010	AMD	02-16-023
192- 16-013	REP	02-14-035	196- 26A-050	NEW	02-13-080	212- 12-011	PREP	02-07-018
192- 16-021	REP	02-08-072	196- 26A-055	NEW-P	02-08-075	212- 12-011	AMD-P	02-11-038
192- 16-033	REP-E	02-03-074	196- 26A-055	NEW	02-13-080	212- 12-011	AMD	02-16-023
192- 16-033	PREP	02-07-064	196- 26A-060	NEW-P	02-08-075	212- 12-015	PREP	02-07-018
192- 16-033	REP-E	02-07-065	196- 26A-060	NEW	02-13-080	212- 12-015	AMD-P	02-11-038
192- 16-036	REP-E	02-03-074	196- 26A-070	NEW-P	02-08-075	212- 12-015	AMD	02-16-023
192- 16-036	PREP	02-07-064	196- 26A-070	NEW	02-13-080	212- 12-020	PREP	02-07-018
192- 16-036	REP-P	02-07-065	196- 27-010	REP-P	02-15-139	212- 12-020	AMD-P	02-11-038
192- 16-040	REP-E	02-03-074	196- 27-020	REP-P	02-15-139	212- 12-020	AMD	02-16-023
192- 16-040	PREP	02-07-064	196- 27A-010	NEW-P	02-15-139	212- 12-025	PREP	02-07-018
192- 16-040	REP-P	02-07-065	196- 27A-020	NEW-P	02-15-139	212- 12-025	AMD-P	02-11-038
192- 16-042	REP-E	02-03-074	196- 27A-030	NEW-P	02-15-139	212- 12-025	AMD	02-16-023
192- 16-042	PREP	02-07-064	204- 24-030	AMD-P	02-15-072	212- 12-030	PREP	02-07-018
192- 16-042	REP-P	02-07-065	204- 24-050	AMD-P	02-15-072	212- 12-030	AMD-P	02-11-038
192- 16-045	REP-E	02-03-074	204- 36-030	AMD	02-07-055	212- 12-030	AMD	02-16-023
192- 16-045	PREP	02-07-064	204- 36-040	AMD	02-07-055	212- 12-035	PREP	02-07-018
192- 16-045	REP-P	02-07-065	204- 36-060	AMD	02-07-055	212- 12-035	AMD-P	02-11-038
192- 16-047	REP-E	02-03-074	204- 91A-010	AMD	02-07-056	212- 12-035	AMD	02-16-023
192- 16-047	PREP	02-07-064	204- 91A-030	AMD	02-07-056	212- 12-040	PREP	02-07-018
192- 16-047	REP-P	02-07-065	204- 91A-060	AMD	02-07-056	212- 12-040	AMD-P	02-11-038
192-150-055	NEW-X	02-08-071	204- 91A-090	AMD	02-07-056	212- 12-040	AMD	02-16-023
192-150-055	NEW	02-14-035	204- 91A-120	AMD	02-07-056	212- 12-044	PREP	02-07-018
192-150-060	NEW	02-08-072	204- 91A-130	AMD	02-07-056	212- 12-044	AMD-P	02-11-038
192-170-050	NEW	02-08-072	204- 91A-140	AMD	02-07-056	212- 12-044	AMD	02-16-023
192-180-012	NEW	02-08-072	204- 91A-170	AMD	02-07-056	212- 12-200	NEW-E	02-03-060
192-210-005	AMD-P	02-12-126	204- 91A-180	AMD	02-07-056	212- 12-210	NEW-E	02-03-060
192-210-005	AMD-E	02-12-127	204- 95	PREP	02-11-037	212- 12-220	NEW-E	02-03-060
192-210-015	AMD-P	02-12-126	204- 95-030	AMD-P	02-16-046	212- 12-230	NEW-E	02-03-060
192-210-015	AMD-E	02-12-127	204- 95-080	AMD-P	02-16-046	212- 12-240	NEW-E	02-03-060
192-210-020	NEW-P	02-12-126	208-424-010	NEW-P	02-11-010	212- 12-250	NEW-E	02-03-060
192-210-020	NEW-E	02-12-127	208-424-010	NEW	02-14-038	212- 12-260	NEW-E	02-03-060
192-240-010	NEW-E	02-03-074	208-424-020	NEW-P	02-11-010	212- 12-270	NEW-E	02-03-060
192-240-015	NEW-E	02-03-074	208-424-020	NEW	02-14-038	212- 12-280	NEW-E	02-03-060
192-240-020	NEW-E	02-03-074	208-424-030	NEW-P	02-11-010	212- 12-290	NEW-E	02-03-060
192-240-025	NEW-E	02-03-074	208-424-030	NEW	02-14-038	212- 12-300	NEW-E	02-03-060
192-240-030	NEW-E	02-03-074	208-472	AMD	02-04-094	212- 12-310	NEW-E	02-03-060
192-240-030	NEW-E	02-07-065	208-472-010	AMD	02-04-094	212- 12-320	NEW-E	02-03-060
192-240-035	NEW-E	02-03-074	208-472-012	REP	02-04-094	212- 12-330	NEW-E	02-03-060
192-240-040	NEW-E	02-03-074	208-472-015	AMD	02-04-094	212- 12-340	NEW-E	02-03-060
192-240-040	NEW-E	02-07-065	208-472-020	AMD	02-04-094	212- 12-350	NEW-E	02-03-060
192-240-045	NEW-E	02-07-065	208-472-025	AMD	02-04-094	212- 12-360	NEW-E	02-03-060
196- 09	PREP	02-13-079	208-472-030	NEW	02-04-094	212- 12-370	NEW-E	02-03-060
196- 24-041	PREP	02-13-079	208-472-035	NEW	02-04-094	212- 12-380	NEW-E	02-03-060
196- 26-020	REP-P	02-08-075	208-472-041	REP	02-04-094	212- 12-390	NEW-E	02-03-060
196- 26-020	REP	02-13-080	208-472-045	REP	02-04-094	212- 12-400	NEW-E	02-03-060
196- 26-030	REP-P	02-08-075	208-472-050	REP	02-04-094	212- 12-410	NEW-E	02-03-060
196- 26-030	REP	02-13-080	208-472-060	REP	02-04-094	212- 12-420	NEW-E	02-03-060
196- 26A-010	NEW-P	02-08-075	208-472-065	REP	02-04-094	220- 12-005	NEW-P	02-13-107
196- 26A-010	NEW	02-13-080	208-472-070	REP	02-04-094	220- 12-090	NEW-P	02-13-107
196- 26A-020	NEW-P	02-08-075	208-472-075	REP	02-04-094	220- 12-09000A	NEW-E	02-15-001
196- 26A-020	NEW	02-13-080	208-472-080	REP	02-04-094	220- 16-028	AMD	02-08-048
196- 26A-025	NEW-P	02-08-075	208-620-160	AMD-P	02-12-004	220- 16-410	AMD-W	02-05-035
196- 26A-025	NEW	02-13-080	208-660-125	AMD-P	02-12-003	220- 16-480	AMD	02-08-027
196- 26A-030	NEW-P	02-08-075	212- 12-001	PREP	02-07-018	220- 16-760	NEW	02-08-048
196- 26A-030	NEW	02-13-080	212- 12-001	AMD-P	02-11-038	220- 16-760	AMD-P	02-13-088
196- 26A-035	NEW-P	02-08-075	212- 12-001	AMD	02-16-023	220- 16-760	NEW-W	02-15-088

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220-16-770	NEW-W	02-15-088	220-33-01000I	REP-E	02-04-077	220-49-013	AMD	02-08-026
220-16-780	NEW	02-08-048	220-33-01000J	NEW-E	02-05-056	220-49-056	AMD	02-08-026
220-16-780	AMD-P	02-13-088	220-33-01000J	REP-E	02-05-056	220-52-03000R	NEW-E	02-11-043
220-16-780	NEW-W	02-15-088	220-33-01000J	REP-E	02-07-010	220-52-03000R	REP-E	02-11-043
220-16-78000A	NEW-E	02-10-118	220-33-01000K	NEW-E	02-07-010	220-52-04000F	REP-E	02-03-068
220-16-790	NEW	02-08-048	220-33-01000K	REP-E	02-07-010	220-52-04000G	NEW-E	02-15-124
220-16-790	AMD-P	02-13-088	220-33-01000K	REP-E	02-07-094	220-52-04000G	REP-E	02-15-124
220-16-790	NEW-W	02-15-088	220-33-01000L	NEW-E	02-07-094	220-52-04600A	REP-E	02-03-024
220-16-79000A	NEW-E	02-10-118	220-33-01000L	REP-E	02-07-094	220-52-04600B	NEW-E	02-03-024
220-16-800	NEW-W	02-15-088	220-33-01000L	REP-E	02-08-014	220-52-04600B	REP-E	02-03-050
220-20-001	NEW-P	02-13-085	220-33-01000M	NEW-E	02-08-014	220-52-04600C	NEW-E	02-03-050
220-20-001	NEW	02-16-069	220-33-01000M	REP-E	02-08-025	220-52-04600C	REP-E	02-04-093
220-20-010	AMD	02-08-048	220-33-01000N	NEW-E	02-08-025	220-52-04600D	NEW-E	02-04-093
220-20-015	AMD-X	02-15-025	220-33-01000N	REP-E	02-08-025	220-52-04600D	REP-E	02-07-037
220-20-016	PREP	02-06-107	220-33-01000P	NEW-E	02-16-063	220-52-04600E	NEW-E	02-07-037
220-20-016	AMD-X	02-11-073	220-33-01000P	REP-E	02-16-063	220-52-04600E	REP-E	02-07-075
220-20-016	AMD-C	02-16-002	220-33-03000S	NEW-E	02-11-014	220-52-04600F	NEW-E	02-07-075
220-20-020	AMD-X	02-15-025	220-33-03000S	REP-E	02-11-014	220-52-04600F	REP-E	02-08-070
220-20-025	AMD	02-08-048	220-33-04000N	REP-E	02-04-072	220-52-04600G	NEW-E	02-08-070
220-20-025	AMD-X	02-15-025	220-33-04000P	NEW-E	02-04-072	220-52-04600G	REP-E	02-08-070
220-20-075	NEW	02-05-046	220-33-04000P	REP-E	02-04-072	220-52-050	AMD-W	02-11-026
220-20-080	NEW-P	02-13-134	220-33-04000P	REP-E	02-04-102	220-52-05000E	NEW-E	02-15-013
220-20-08000A	NEW-E	02-14-089	220-33-04000Q	NEW-E	02-04-102	220-52-05100A	NEW-E	02-10-004
220-20-100	NEW	02-08-048	220-33-04000Q	REP-E	02-04-102	220-52-05100A	REP-E	02-10-043
220-20-100	NEW-W	02-15-088	220-33-04000Q	REP-E	02-06-036	220-52-05100B	NEW-E	02-10-043
220-24-04000B	NEW-E	02-10-078	220-33-04000R	NEW-E	02-06-036	220-52-05100B	REP-E	02-13-023
220-24-04000B	REP-E	02-10-078	220-33-04000R	REP-E	02-06-036	220-52-05100C	NEW-E	02-13-023
220-24-04000B	REP-E	02-10-120	220-36-02300B	NEW-E	02-16-050	220-52-05100C	REP-E	02-14-068
220-24-04000C	NEW-E	02-10-120	220-36-02300B	REP-E	02-16-103	220-52-05100D	NEW-E	02-14-068
220-24-04000C	REP-E	02-10-120	220-36-02300C	NEW-E	02-16-103	220-52-05100D	REP-E	02-15-031
220-24-04000C	REP-E	02-13-003	220-40-02100W	NEW-E	02-15-040	220-52-05100E	NEW-E	02-15-031
220-24-04000D	NEW-E	02-14-090	220-40-02100W	REP-E	02-15-040	220-52-05100E	REP-E	02-15-104
220-24-04000D	REP-E	02-14-090	220-40-027	AMD-X	02-11-072	220-52-05100F	NEW-E	02-15-104
220-24-04000E	NEW-E	02-15-041	220-40-027	AMD	02-16-021	220-52-05100F	REP-E	02-16-011
220-24-04000E	REP-E	02-15-041	220-44-05000H	REP-E	02-04-060	220-52-05100G	NEW-E	02-16-011
220-24-04000F	NEW-E	02-16-013	220-44-05000I	NEW-E	02-04-060	220-52-05100G	REP-E	02-16-049
220-24-04000F	REP-E	02-16-013	220-44-05000I	REP-E	02-07-093	220-52-05100H	NEW-E	02-16-049
220-32-05100K	REP-E	02-04-073	220-44-05000J	NEW-E	02-07-093	220-52-05100Y	NEW-E	02-09-021
220-32-05100L	NEW-E	02-04-073	220-44-05000J	REP-E	02-11-042	220-52-05100Y	REP-E	02-09-067
220-32-05100L	REP-E	02-04-073	220-44-05000K	NEW-E	02-11-042	220-52-05100Z	NEW-E	02-09-067
220-32-05100L	REP-E	02-07-011	220-44-05000K	REP-E	02-15-036	220-52-05100Z	REP-E	02-10-004
220-32-05100M	NEW-E	02-07-011	220-44-05000L	NEW-E	02-15-036	220-52-071	AMD-P	02-13-090
220-32-05100M	REP-E	02-07-011	220-44-05000L	REP-E	02-16-019	220-52-07100W	NEW-E	02-15-002
220-32-05100M	REP-E	02-07-044	220-44-05000M	NEW-E	02-16-019	220-52-07100W	REP-E	02-16-012
220-32-05100N	NEW-E	02-07-044	220-47-301	AMD-X	02-11-073	220-52-07100X	NEW-E	02-16-012
220-32-05100N	REP-E	02-07-044	220-47-301	AMD-W	02-16-003	220-52-073	AMD-P	02-13-090
220-32-05100P	NEW-E	02-10-042	220-47-311	AMD-X	02-11-073	220-52-07300Q	REP-E	02-03-025
220-32-05100P	REP-E	02-10-042	220-47-311	AMD	02-16-004	220-52-07300R	NEW-E	02-03-025
220-32-05100Q	NEW-E	02-11-003	220-47-401	AMD-X	02-11-073	220-52-07300R	REP-E	02-03-067
220-32-05100Q	REP-E	02-11-003	220-47-401	AMD	02-16-004	220-52-07300S	NEW-E	02-03-067
220-32-05100R	NEW-E	02-11-049	220-47-411	AMD-X	02-11-073	220-52-07300S	REP-E	02-03-090
220-32-05100R	REP-E	02-11-049	220-47-411	AMD	02-16-004	220-52-07300T	NEW-E	02-03-090
220-32-05100S	NEW-E	02-11-085	220-47-428	AMD-X	02-11-073	220-52-07300T	REP-E	02-04-035
220-32-05100S	REP-E	02-11-085	220-47-428	AMD	02-16-004	220-52-07300U	NEW-E	02-04-035
220-32-05100S	REP-E	02-11-146	220-47-430	AMD-X	02-11-073	220-52-07300U	REP-E	02-04-078
220-32-05100T	NEW-E	02-14-138	220-47-430	AMD	02-16-004	220-52-07300V	NEW-E	02-04-078
220-32-05100T	REP-E	02-14-138	220-47-901	NEW-E	02-16-056	220-52-07300V	REP-E	02-07-046
220-32-05500E	NEW-E	02-11-146	220-48-005	AMD	02-08-026	220-52-07300W	NEW-E	02-07-092
220-32-05500E	REP-E	02-11-146	220-48-015	AMD-W	02-15-086	220-52-07300W	REP-E	02-07-092
220-32-05700P	NEW-E	02-11-146	220-48-029	AMD-P	02-13-108	220-52-07500D	NEW-E	02-09-021
220-32-05700P	REP-E	02-11-146	220-48-029	AMD-W	02-15-086	220-52-07500D	REP-E	02-10-004
220-33-01000I	NEW-E	02-04-077	220-48-032	AMD-P	02-13-108	220-52-07500E	NEW-E	02-10-004

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
220-55-001	AMD-P	02-13-084	220-56-28500B	REP-E	02-10-063	220-56-355	AMD	02-08-048
220-55-001	AMD	02-16-070	220-56-28500C	NEW-E	02-11-006	220-56-355	AMD-P	02-13-091
220-55-00100A	NEW-E	02-10-106	220-56-28500C	REP-E	02-11-006	220-56-35500B	NEW-E	02-07-076
220-55-100	AMD-P	02-13-084	220-56-28500C	REP-E	02-11-039	220-56-35500C	NEW-E	02-15-120
220-55-100	AMD	02-16-070	220-56-28500D	NEW-E	02-11-039	220-56-36000L	NEW-E	02-03-053
220-55-200	NEW-P	02-12-130	220-56-307	REP	02-08-048	220-56-36000L	REP-E	02-03-053
220-55-200	NEW	02-15-038	220-56-310	AMD	02-08-048	220-56-36000L	REP-E	02-04-039
220-55-20000A	REP-P	02-12-130	220-56-31000U	NEW-E	02-09-003	220-56-36000M	NEW-E	02-04-039
220-55-20000A	REP	02-15-038	220-56-31000U	REP-E	02-09-003	220-56-36000M	REP-E	02-04-039
220-55-20000B	NEW-E	02-13-045	220-56-315	AMD	02-08-048	220-56-36000N	NEW-E	02-07-012
220-56-100	AMD	02-08-048	220-56-315	AMD-P	02-15-106	220-56-36000N	REP-E	02-07-012
220-56-105	AMD	02-08-048	220-56-31500A	NEW-E	02-09-003	220-56-36000P	NEW-E	02-10-012
220-56-115	AMD	02-09-001	220-56-31500A	REP-E	02-09-003	220-56-36000P	REP-E	02-10-012
220-56-116	AMD	02-08-048	220-56-31500B	NEW-E	02-11-020	220-56-36000Q	NEW-E	02-11-012
220-56-124	AMD-X	02-10-127	220-56-32500A	NEW-E	02-15-125	220-56-36000Q	REP-E	02-11-012
220-56-124	AMD	02-15-097	220-56-32500A	REP-E	02-16-044	220-56-380	AMD	02-08-048
220-56-128	AMD	02-08-048	220-56-32500B	NEW-E	02-16-044	220-56-38000C	REP-E	02-06-035
220-56-15600A	NEW-E	02-10-108	220-56-32500T	NEW-E	02-08-028	220-56-38000D	NEW-E	02-06-035
220-56-193	NEW-P	02-10-124	220-56-32500T	REP-E	02-09-003	220-56-38000D	REP-E	02-10-029
220-56-193	NEW	02-13-026	220-56-32500U	NEW-E	02-10-028	220-56-38000E	NEW-E	02-10-029
220-56-194	NEW-P	02-10-124	220-56-32500U	REP-E	02-11-013	220-69	PREP	02-10-105
220-56-194	NEW	02-13-026	220-56-32500V	NEW-E	02-11-013	220-69-240	AMD-P	02-13-134
220-56-195	AMD-X	02-10-127	220-56-32500V	REP-E	02-11-041	220-69-24000A	NEW-E	02-10-004
220-56-195	AMD	02-15-097	220-56-32500W	NEW-E	02-11-041	220-69-24000A	REP-E	02-10-043
220-56-19500I	NEW-E	02-11-086	220-56-32500W	REP-E	02-11-134	220-69-24000B	NEW-E	02-10-043
220-56-19500I	REP-E	02-11-086	220-56-32500X	NEW-E	02-11-134	220-69-24000B	REP-E	02-13-023
220-56-210	AMD	02-08-048	220-56-32500X	REP-E	02-12-054	220-69-24000C	NEW-E	02-13-023
220-56-235	AMD	02-09-001	220-56-32500Y	NEW-E	02-12-054	220-69-24000C	REP-E	02-14-068
220-56-23500L	NEW-E	02-03-002	220-56-32500Y	REP-E	02-14-004	220-69-24000D	NEW-E	02-14-068
220-56-23500L	REP-E	02-07-004	220-56-32500Z	NEW-E	02-14-004	220-69-241	AMD-P	02-13-134
220-56-23500M	NEW-E	02-07-004	220-56-32500Z	REP-E	02-15-125	220-74-020	AMD-P	02-06-109
220-56-23500M	REP-E	02-15-003	220-56-33000D	NEW-E	02-03-051	220-74-020	AMD	02-10-023
220-56-23500N	NEW-E	02-15-003	220-56-33000D	REP-E	02-05-001	220-77-020	AMD	02-06-018
220-56-25000C	NEW-E	02-15-105	220-56-33000E	NEW-E	02-05-001	220-77-040	AMD	02-06-018
220-56-25000D	NEW-E	02-07-025	220-56-33000E	REP-E	02-07-037	220-77-09000A	NEW-E	02-04-069
220-56-25000D	REP-E	02-07-025	220-56-33000F	NEW-E	02-07-037	220-77-09000A	REP-E	02-04-089
220-56-255	AMD-W	02-15-087	220-56-33000F	REP-E	02-07-075	220-77-09000B	NEW-E	02-04-089
220-56-25500A	NEW-E	02-14-139	220-56-33000G	NEW-E	02-07-075	220-77-095	AMD-P	02-13-136
220-56-25500A	REP-E	02-15-024	220-56-33000G	REP-E	02-08-070	220-77-100	NEW-W	02-11-027
220-56-25500B	NEW-E	02-15-024	220-56-33000H	NEW-E	02-08-070	220-77-105	NEW-W	02-11-027
220-56-25500B	REP-E	02-15-105	220-56-33000H	REP-E	02-11-050	220-88C-04000	NEW-E	02-13-051
220-56-25500C	REP-E	02-15-109	220-56-33000H	REP-E	02-11-094	220-95-100	AMD-P	02-13-086
220-56-25500D	NEW-E	02-15-109	220-56-33000I	NEW-E	02-11-050	220-95-110	AMD-P	02-13-086
220-56-25500X	NEW-E	02-09-045	220-56-33000I	REP-E	02-11-094	220-130-040	AMD-W	02-02-089
220-56-25500X	REP-E	02-12-014	220-56-33000J	NEW-E	02-11-094	222-10-040	AMD-P	02-05-087
220-56-25500Y	NEW-E	02-12-014	220-56-33000J	REP-E	02-11-132	222-10-040	AMD	02-11-075
220-56-25500Y	REP-E	02-13-044	220-56-33000K	NEW-E	02-11-132	222-10-041	AMD-P	02-05-087
220-56-25500Z	NEW-E	02-13-044	220-56-33000K	REP-E	02-13-002	222-10-041	AMD	02-11-075
220-56-25500Z	REP-E	02-14-139	220-56-33000L	NEW-E	02-13-002	222-16-050	AMD-E	02-05-086
220-56-265	AMD	02-08-048	220-56-33000L	REP-E	02-14-025	222-16-050	PREP	02-07-023
220-56-270	AMD	02-08-048	220-56-33000M	NEW-E	02-14-025	222-16-050	AMD-P	02-11-138
220-56-27000L	REP-E	02-06-036	220-56-33000M	REP-E	02-15-039	222-16-050	AMD-E	02-15-083
220-56-27000M	NEW-E	02-06-036	220-56-33000N	NEW-E	02-15-039	222-21-010	AMD	02-05-084
220-56-27000M	REP-E	02-06-036	220-56-335	AMD	02-08-048	222-21-020	AMD	02-05-084
220-56-282	AMD	02-08-048	220-56-350	AMD	02-08-048	222-21-045	AMD	02-05-084
220-56-28200D	NEW-E	02-06-017	220-56-350	AMD-P	02-13-091	222-21-050	AMD	02-05-084
220-56-28200D	REP-E	02-06-017	220-56-35000J	REP-E	02-06-035	222-21-061	NEW	02-05-084
220-56-28200E	NEW-E	02-10-119	220-56-35000K	NEW-E	02-06-035	226-01-040	AMD-X	02-03-038
220-56-28200F	NEW-E	02-15-014	220-56-35000K	REP-E	02-10-029	226-01-040	AMD	02-08-076
220-56-28200F	REP-E	02-15-095	220-56-35000L	NEW-E	02-10-029	226-01-050	AMD-X	02-03-038
220-56-285	AMD	02-08-048	220-56-35000L	REP-E	02-13-011	226-01-050	AMD	02-08-076
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226- 16-160	AMD	02-08-076	232- 12-073	NEW-P	02-13-089	232- 28-61900D	REP-E	02-10-063
226- 20-010	AMD-X	02-03-038	232- 12-147	REP	02-08-048	232- 28-61900E	NEW-E	02-10-024
226- 20-010	AMD	02-08-076	232- 12-151	REP	02-08-048	232- 28-61900E	REP-E	02-10-024
230- 02-145	REP-P	02-07-081	232- 12-168	AMD	02-08-048	232- 28-61900F	NEW-E	02-10-077
230- 02-145	REP	02-11-084	232- 12-16800B	NEW-E	02-07-095	232- 28-61900G	NEW-E	02-10-062
230- 02-205	AMD-S	02-03-077	232- 12-16800B	REP-E	02-07-095	232- 28-61900H	REP-E	02-03-014
230- 02-205	AMD-W	02-16-083	232- 12-243	AMD-P	02-13-133	232- 28-61900H	NEW-E	02-10-063
230- 04-064	AMD-P	02-06-037	232- 12-245	NEW-W	02-11-025	232- 28-61900H	REP-E	02-11-006
230- 04-064	AMD	02-10-002	232- 12-253	NEW	02-05-021	232- 28-61900I	NEW-E	02-03-022
230- 04-180	AMD-P	02-13-112	232- 12-253	AMD-P	02-10-125	232- 28-61900I	REP-E	02-03-022
230- 04-202	AMD-W	02-02-090	232- 12-253	AMD	02-16-043	232- 28-61900I	NEW-E	02-11-001
230- 04-202	AMD-P	02-13-111	232- 12-267	AMD-P	02-10-128	232- 28-61900J	NEW-E	02-03-023
230- 04-202	AMD-W	02-16-024	232- 12-267	AMD	02-15-018	232- 28-61900J	NEW-E	02-11-006
230- 04-203	AMD-P	02-13-111	232- 12-272	NEW	02-08-048	232- 28-61900J	REP-E	02-11-039
230- 04-203	AMD-W	02-16-024	232- 12-619	AMD	02-08-048	232- 28-61900K	NEW-E	02-03-014
230- 04-315	REP-P	02-13-111	232- 12-828	AMD-P	02-13-135	232- 28-61900K	NEW-E	02-11-039
230- 08-255	AMD-P	02-06-037	232- 28-02220	AMD-P	02-06-124	232- 28-61900K	REP-E	02-11-039
230- 08-255	AMD	02-10-002	232- 28-02220	AMD	02-11-069	232- 28-61900L	NEW-E	02-03-015
230- 12-045	NEW-P	02-07-081	232- 28-02240	AMD-P	02-06-124	232- 28-61900L	REP-E	02-03-015
230- 12-045	NEW	02-11-084	232- 28-02240	AMD	02-11-069	232- 28-61900L	NEW-E	02-11-040
230- 12-050	AMD-P	02-07-081	232- 28-248	AMD-P	02-06-124	232- 28-61900M	NEW-E	02-03-066
230- 12-050	AMD	02-11-084	232- 28-248	AMD	02-11-069	232- 28-61900M	REP-E	02-10-063
230- 12-090	AMD-P	02-13-111	232- 28-266	AMD-P	02-06-121	232- 28-61900M	NEW-E	02-11-068
230- 12-330	AMD-P	02-06-038	232- 28-273	AMD-P	02-06-121	232- 28-61900M	REP-E	02-11-068
230- 12-330	AMD	02-10-003	232- 28-273	AMD	02-11-069	232- 28-61900N	NEW-E	02-04-019
230- 12-340	AMD-P	02-06-038	232- 28-276	AMD-P	02-10-128	232- 28-61900N	REP-E	02-04-019
230- 12-340	AMD	02-10-003	232- 28-276	AMD	02-15-018	232- 28-61900N	NEW-E	02-11-071
230- 20-002	NEW-P	02-13-111	232- 28-277	AMD-P	02-06-125	232- 28-61900N	REP-E	02-11-071
230- 20-005	NEW-P	02-13-111	232- 28-277	REP-P	02-10-128	232- 28-61900P	NEW-E	02-04-103
230- 20-070	AMD-P	02-13-111	232- 28-277	AMD	02-11-069	232- 28-61900P	REP-E	02-12-013
230- 20-104	AMD-P	02-13-111	232- 28-277	REP	02-15-019	232- 28-61900Q	NEW-E	02-05-007
230- 20-111	REP-P	02-07-081	232- 28-278	AMD-P	02-06-126	232- 28-61900Q	REP-E	02-11-040
230- 20-111	REP	02-11-084	232- 28-278	AMD	02-11-069	232- 28-61900Q	NEW-E	02-11-086
230- 20-125	REP-P	02-07-081	232- 28-279	AMD-P	02-06-123	232- 28-61900Q	REP-E	02-11-086
230- 20-125	REP	02-11-084	232- 28-279	AMD	02-11-069	232- 28-61900Q	REP-E	02-12-013
230- 20-170	AMD-P	02-13-111	232- 28-279	AMD-P	02-13-138	232- 28-61900R	NEW-E	02-05-008
230- 20-230	REP-P	02-07-081	232- 28-282	NEW-P	02-10-128	232- 28-61900R	REP-E	02-05-008
230- 20-230	REP	02-11-084	232- 28-282	NEW	02-15-019	232- 28-61900R	NEW-E	02-11-114
230- 20-244	AMD	02-06-006	232- 28-299	AMD-P	02-10-128	232- 28-61900R	REP-E	02-11-114
230- 20-246	AMD	02-06-006	232- 28-299	AMD	02-15-018	232- 28-61900S	NEW-E	02-05-010
230- 20-249	AMD	02-06-006	232- 28-425	REP-P	02-13-137	232- 28-61900S	REP-E	02-09-009
230- 30-033	AMD	02-06-007	232- 28-42500C	NEW-E	02-03-052	232- 28-61900S	NEW-E	02-12-013
230- 30-045	AMD	02-06-007	232- 28-42500C	REP-E	02-03-052	232- 28-61900S	REP-E	02-13-052
230- 30-072	AMD	02-06-007	232- 28-426	NEW-P	02-13-137	232- 28-61900T	NEW-E	02-05-075
230- 30-106	AMD-P	02-06-038	232- 28-619	AMD	02-08-048	232- 28-61900T	REP-E	02-07-096
230- 30-106	AMD	02-10-003	232- 28-619	AMD-X	02-10-127	232- 28-61900T	NEW-E	02-12-019
230- 40-120	AMD-W	02-14-103	232- 28-619	AMD-P	02-13-088	232- 28-61900T	REP-E	02-12-019
230- 40-610	AMD-P	02-12-076	232- 28-619	AMD	02-15-097	232- 28-61900U	REP-E	02-03-022
230- 40-800	AMD-P	02-07-081	232- 28-619	AMD-P	02-15-106	232- 28-61900U	NEW-E	02-06-100
230- 40-800	AMD	02-11-084	232- 28-61900A	NEW-E	02-08-022	232- 28-61900U	REP-E	02-06-100
230- 40-897	REP-P	02-07-081	232- 28-61900A	REP-E	02-11-001	232- 28-61900U	NEW-E	02-13-052
230- 40-897	REP	02-11-084	232- 28-61900A	NEW-E	02-15-159	232- 28-61900U	REP-E	02-14-046
230- 50-010	AMD-P	02-13-111	232- 28-61900A	REP-E	02-15-159	232- 28-61900V	NEW-E	02-06-099
232- 12-011	AMD-P	02-06-122	232- 28-61900B	NEW-E	02-08-004	232- 28-61900V	REP-E	02-06-099
232- 12-011	AMD	02-08-048	232- 28-61900B	REP-E	02-08-004	232- 28-61900V	NEW-E	02-14-046
232- 12-011	AMD	02-11-069	232- 28-61900B	NEW-E	02-16-001	232- 28-61900V	REP-E	02-15-032
232- 12-014	AMD-P	02-06-122	232- 28-61900B	REP-E	02-16-001	232- 28-61900W	NEW-E	02-07-061
232- 12-014	AMD	02-11-069	232- 28-61900C	NEW-E	02-09-023	232- 28-61900W	REP-E	02-07-061
232- 12-016	NEW-P	02-13-107	232- 28-61900C	REP-E	02-09-023	232- 28-61900W	NEW-E	02-15-030
232- 12-01600A	NEW-E	02-15-001	232- 28-61900C	NEW-E	02-16-022	232- 28-61900X	NEW-E	02-07-019

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232-28-61900X	NEW-E	02-15-032	246-224-001	REP-P	02-07-021	246-229-0100	NEW-P	02-07-021
232-28-61900Y	NEW-E	02-07-066	246-224-001	REP	02-14-050	246-229-0100	NEW	02-14-050
232-28-61900Y	REP-E	02-07-066	246-224-0010	NEW-P	02-07-021	246-229-020	REP-P	02-07-021
232-28-61900Y	NEW-E	02-15-037	246-224-0010	NEW	02-14-050	246-229-020	REP	02-14-050
232-28-61900Y	REP-E	02-15-037	246-224-0020	NEW-P	02-07-021	246-229-030	REP-P	02-07-021
232-28-61900Z	NEW-E	02-07-096	246-224-0020	NEW	02-14-050	246-229-030	REP	02-14-050
232-28-61900Z	REP-E	02-07-096	246-224-0030	NEW-P	02-07-021	246-229-050	REP-P	02-07-021
232-28-61900Z	NEW-E	02-15-095	246-224-0030	NEW	02-14-050	246-229-050	REP	02-14-050
232-28-61900Z	REP-E	02-16-022	246-224-0040	NEW-P	02-07-021	246-229-060	REP-P	02-07-021
232-28-620	AMD-X	02-10-127	246-224-0040	NEW	02-14-050	246-229-060	REP	02-14-050
232-28-620	AMD	02-15-097	246-224-0050	NEW-P	02-07-021	246-229-070	REP-P	02-07-021
232-28-62000D	NEW-E	02-11-086	246-224-0050	NEW	02-14-050	246-229-070	REP	02-14-050
232-28-62000D	REP-E	02-11-086	246-224-0060	NEW-P	02-07-021	246-229-080	REP-P	02-07-021
232-28-62000D	REP-E	02-15-121	246-224-0060	NEW	02-14-050	246-229-080	REP	02-14-050
232-28-62000E	NEW-E	02-15-121	246-224-0070	NEW-P	02-07-021	246-229-090	REP-P	02-07-021
232-28-621	AMD	02-08-048	246-224-0070	NEW	02-14-050	246-229-090	REP	02-14-050
232-28-621	AMD-X	02-10-127	246-224-0080	NEW-P	02-07-021	246-229-100	REP-P	02-07-021
232-28-621	AMD	02-15-097	246-224-0080	NEW	02-14-050	246-229-100	REP	02-14-050
232-28-62100G	NEW-E	02-11-086	246-224-0090	NEW-P	02-07-021	246-229-110	REP-P	02-07-021
232-28-62100G	REP-E	02-11-086	246-224-0090	NEW	02-14-050	246-229-110	REP	02-14-050
232-28-62100G	REP-E	02-14-069	246-224-010	REP-P	02-07-021	246-252-030	AMD-X	02-11-021
232-28-62100H	NEW-E	02-14-069	246-224-010	REP	02-14-050	246-254-053	AMD-P	02-04-034
232-28-62100H	REP-E	02-15-033	246-224-0100	NEW-P	02-07-021	246-254-053	AMD	02-07-085
232-28-62100I	NEW-E	02-15-033	246-224-0100	NEW	02-14-050	246-254-070	AMD	02-04-025
232-28-62100I	REP-E	02-15-096	246-224-0110	NEW-P	02-07-021	246-254-080	AMD	02-04-025
232-28-62100J	NEW-E	02-15-096	246-224-0110	NEW	02-14-050	246-254-090	AMD	02-04-025
236-48	PREP	02-16-025	246-224-0120	NEW-P	02-07-021	246-254-100	AMD	02-04-025
236-48-002	PREP	02-16-025	246-224-0120	NEW	02-14-050	246-254-120	AMD	02-04-025
236-48-003	PREP	02-16-025	246-224-020	REP-P	02-07-021	246-272	PREP	02-03-137
236-49	PREP	02-16-026	246-224-020	REP	02-14-050	246-282-990	AMD-P	02-12-102
236-70	PREP	02-13-127	246-224-050	REP-P	02-07-021	246-282-990	AMD	02-15-094
246-12-040	AMD-X	02-09-042	246-224-050	REP	02-14-050	246-310	PREP	02-14-047
246-50	PREP-W	02-09-027	246-224-060	REP-P	02-07-021	246-310-990	AMD-P	02-10-064
246-100-011	AMD-P	02-16-102	246-224-060	REP	02-14-050	246-310-990	AMD	02-14-051
246-100-036	AMD-P	02-16-102	246-224-070	REP-P	02-07-021	246-320	PREP	02-11-076
246-100-040	NEW-P	02-16-102	246-224-070	REP	02-14-050	246-320-990	AMD-P	02-10-131
246-100-045	NEW-P	02-16-102	246-224-090	REP-P	02-07-021	246-320-990	AMD	02-13-061
246-100-050	NEW-P	02-16-102	246-224-090	REP	02-14-050	246-322-990	AMD-P	02-10-131
246-100-055	NEW-P	02-16-102	246-224-100	REP-P	02-07-021	246-322-990	AMD	02-13-061
246-100-060	NEW-P	02-16-102	246-224-100	REP	02-14-050	246-323-990	AMD-P	02-13-058
246-100-065	NEW-P	02-16-102	246-229-0001	NEW-P	02-07-021	246-323-990	AMD	02-16-068
246-100-070	NEW-P	02-16-102	246-229-0001	NEW	02-14-050	246-324-990	AMD-P	02-10-131
246-100-166	PREP	02-10-066	246-229-001	REP-P	02-07-021	246-324-990	AMD	02-13-061
246-100-166	AMD-E	02-14-075	246-229-001	REP	02-14-050	246-325-990	AMD-P	02-13-059
246-100-206	AMD-P	02-08-018	246-229-0010	NEW-P	02-07-021	246-326-990	AMD-P	02-13-059
246-100-206	AMD	02-12-106	246-229-0010	NEW	02-14-050	246-327-010	REP-P	02-12-103
246-100-207	AMD-P	02-08-018	246-229-0020	NEW-P	02-07-021	246-327-025	REP-P	02-12-103
246-100-207	AMD	02-12-106	246-229-0020	NEW	02-14-050	246-327-030	REP-P	02-12-103
246-100-208	AMD-P	02-08-018	246-229-0030	NEW-P	02-07-021	246-327-035	REP-P	02-12-103
246-100-208	AMD	02-12-106	246-229-0030	NEW	02-14-050	246-327-065	REP-P	02-12-103
246-101-505	AMD-P	02-16-102	246-229-0040	NEW-P	02-07-021	246-327-077	REP-P	02-12-103
246-145-001	NEW	02-11-109	246-229-0040	NEW	02-14-050	246-327-085	REP-P	02-12-103
246-145-010	NEW	02-11-109	246-229-0050	NEW-P	02-07-021	246-327-090	REP-P	02-12-103
246-145-020	NEW	02-11-109	246-229-0050	NEW	02-14-050	246-327-095	REP-P	02-12-103
246-145-030	NEW	02-11-109	246-229-0060	NEW-P	02-07-021	246-327-105	REP-P	02-12-103
246-145-040	NEW	02-11-109	246-229-0060	NEW	02-14-050	246-327-115	REP-P	02-12-103
246-215-150	AMD-P	02-04-091	246-229-0070	NEW-P	02-07-021	246-327-125	REP-P	02-12-103
246-215-150	AMD	02-09-028	246-229-0070	NEW	02-14-050	246-327-135	REP-P	02-12-103
246-224	AMD-P	02-07-021	246-229-0080	NEW-P	02-07-021	246-327-145	REP-P	02-12-103
246-224	AMD	02-14-050	246-229-0080	NEW	02-14-050	246-327-165	REP-P	02-12-103
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246-328-990	REP-X	02-14-054	246-335-180	NEW-P	02-12-103	246-388-130	REP-P	02-13-075
246-329-990	AMD-P	02-10-131	246-335-185	NEW-P	02-12-103	246-388-140	REP-P	02-13-075
246-329-990	AMD	02-13-061	246-335-190	NEW-P	02-12-103	246-388-150	REP-P	02-13-075
246-331-010	REP-P	02-12-103	246-335-195	NEW-P	02-12-103	246-388-160	REP-P	02-13-075
246-331-025	REP-P	02-12-103	246-335-200	NEW-P	02-12-103	246-388-170	REP-P	02-13-075
246-331-030	REP-P	02-12-103	246-335-205	NEW-P	02-12-103	246-388-180	REP-P	02-13-075
246-331-035	REP-P	02-12-103	246-335-210	NEW-P	02-12-103	246-388-190	REP-P	02-13-075
246-331-065	REP-P	02-12-103	246-335-220	NEW-P	02-12-103	246-388-200	REP-P	02-13-075
246-331-077	REP-P	02-12-103	246-335-225	NEW-P	02-12-103	246-388-210	REP-P	02-13-075
246-331-085	REP-P	02-12-103	246-335-230	NEW-P	02-12-103	246-388-220	REP-P	02-13-075
246-331-095	REP-P	02-12-103	246-335-235	NEW-P	02-12-103	246-388-230	REP-P	02-13-075
246-331-100	REP-P	02-12-103	246-335-240	NEW-P	02-12-103	246-388-240	REP-P	02-13-075
246-331-105	REP-P	02-12-103	246-335-245	NEW-P	02-12-103	246-388-250	REP-P	02-13-075
246-331-115	REP-P	02-12-103	246-335-250	NEW-P	02-12-103	246-388-260	REP-P	02-13-075
246-331-125	REP-P	02-12-103	246-335-255	NEW-P	02-12-103	246-388-270	REP-P	02-13-075
246-331-135	REP-P	02-12-103	246-335-260	NEW-P	02-12-103	246-388-280	REP-P	02-13-075
246-331-165	REP-P	02-12-103	246-335-265	NEW-P	02-12-103	246-388-290	REP-P	02-13-075
246-331-185	REP-P	02-12-103	246-335-270	NEW-P	02-12-103	246-388-300	REP-P	02-13-075
246-331-990	REP-P	02-12-103	246-335-275	NEW-P	02-12-103	246-388-310	REP-P	02-13-075
246-333-010	REP-X	02-10-132	246-335-280	NEW-P	02-12-103	246-388-320	REP-P	02-13-075
246-333-010	REP	02-15-164	246-335-285	NEW-P	02-12-103	246-388-330	REP-P	02-13-075
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246-333-020	REP	02-15-164	246-335-295	NEW-P	02-12-103	246-388-350	REP-P	02-13-075
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246-333-030	REP	02-15-164	246-336-010	REP-P	02-12-103	246-388-370	REP-P	02-13-075
246-333-040	REP-X	02-10-132	246-336-025	REP-P	02-12-103	246-388-380	REP-P	02-13-075
246-333-040	REP	02-15-164	246-336-030	REP-P	02-12-103	246-388-390	REP-P	02-13-075
246-335-001	NEW-P	02-12-103	246-336-035	REP-P	02-12-103	246-388-400	REP-P	02-13-075
246-335-010	NEW-P	02-12-103	246-336-065	REP-P	02-12-103	246-388-410	REP-P	02-13-075
246-335-015	NEW-P	02-12-103	246-336-077	REP-P	02-12-103	246-388-420	REP-P	02-13-075
246-335-020	NEW-P	02-12-103	246-336-085	REP-P	02-12-103	246-388-430	REP-P	02-13-075
246-335-025	NEW-P	02-12-103	246-336-095	REP-P	02-12-103	246-388-440	REP-P	02-13-075
246-335-030	NEW-P	02-12-103	246-336-100	REP-P	02-12-103	246-388-450	REP-P	02-13-075
246-335-035	NEW-P	02-12-103	246-336-105	REP-P	02-12-103	246-388-990	REP-P	02-13-075
246-335-040	NEW-P	02-12-103	246-336-115	REP-P	02-12-103	246-491-001	NEW-P	02-16-100
246-335-045	NEW-P	02-12-103	246-336-125	REP-P	02-12-103	246-491-010	NEW-P	02-16-100
246-335-050	NEW-P	02-12-103	246-336-135	REP-P	02-12-103	246-491-029	AMD-P	02-16-100
246-335-055	NEW-P	02-12-103	246-336-165	REP-P	02-12-103	246-491-039	AMD-P	02-16-100
246-335-060	NEW-P	02-12-103	246-336-990	REP-P	02-12-103	246-491-149	AMD-P	02-16-100
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246-335-070	NEW-P	02-12-103	246-338-020	AMD-P	02-09-026	246-562-080	AMD-P	02-15-161
246-335-075	NEW-P	02-12-103	246-338-020	AMD	02-12-105	246-562-160	AMD-P	02-15-161
246-335-080	NEW-P	02-12-103	246-338-990	PREP	02-03-138	246-650	PREP	02-03-136
246-335-085	NEW-P	02-12-103	246-338-990	AMD-P	02-09-026	246-650	PREP-W	02-04-024
246-335-090	NEW-P	02-12-103	246-338-990	AMD	02-12-105	246-760-001	AMD-P	02-15-163
246-335-095	NEW-P	02-12-103	246-360-990	AMD-P	02-12-104	246-760-020	AMD-P	02-15-163
246-335-100	NEW-P	02-12-103	246-380-990	AMD-P	02-13-059	246-760-030	AMD-P	02-15-163
246-335-105	NEW-P	02-12-103	246-388	PREP	02-08-017	246-760-040	AMD-P	02-15-163
246-335-110	NEW-P	02-12-103	246-388-001	REP-P	02-13-075	246-760-050	AMD-P	02-15-163
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246-335-130	NEW-P	02-12-103	246-388-040	REP-P	02-13-075	246-760-090	AMD-P	02-15-163
246-335-135	NEW-P	02-12-103	246-388-050	REP-P	02-13-075	246-760-100	AMD-P	02-15-163
246-335-140	NEW-P	02-12-103	246-388-060	REP-P	02-13-075	246-762-001	AMD-P	02-15-162
246-335-145	NEW-P	02-12-103	246-388-070	REP-P	02-13-075	246-762-010	AMD-P	02-15-162
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246-335-160	NEW-P	02-12-103	246-388-090	REP-P	02-13-075	246-762-040	AMD-P	02-15-162
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246-790-050	AMD-P	02-07-020	246-811-250	NEW	02-07-084	246-883-020	AMD-X	02-07-086
246-790-050	AMD	02-11-107	246-811-260	NEW	02-07-084	246-883-020	AMD	02-14-049
246-790-065	AMD-P	02-07-020	246-811-270	NEW	02-07-084	246-883-050	REP-W	02-11-105
246-790-065	AMD	02-11-107	246-811-990	AMD	02-07-083	246-887-160	PREP-W	02-11-105
246-790-070	AMD-P	02-07-020	246-814-010	NEW-P	02-16-101	246-887-160	AMD-X	02-13-060
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246-790-080	AMD-P	02-07-020	246-814-030	NEW-P	02-16-101	246-904-010	PREP-W	02-11-105
246-790-080	AMD	02-11-107	246-814-040	NEW-P	02-16-101	246-918-990	AMD	02-05-009
246-790-085	AMD-P	02-07-020	246-814-990	NEW-P	02-16-101	246-919-990	AMD	02-05-009
246-790-085	AMD	02-11-107	246-817-110	PREP	02-15-160	246-924-485	PREP-W	02-11-105
246-790-090	AMD-P	02-07-020	246-817-120	PREP	02-15-160	246-935	AMD	02-10-135
246-790-090	AMD	02-11-107	246-824-010	AMD-P	02-13-062	246-935-010	AMD	02-10-135
246-790-100	AMD-P	02-07-020	246-824-020	AMD-P	02-13-062	246-935-020	AMD	02-10-135
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246-790-120	AMD-P	02-07-020	246-824-071	AMD-P	02-13-062	246-935-090	AMD	02-10-135
246-790-120	AMD	02-11-107	246-826-080	PREP-W	02-11-105	246-935-100	AMD	02-10-135
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246-790-130	AMD	02-11-107	246-826-300	NEW	02-06-115	246-937	AMD	02-11-022
246-808-101	REP-W	02-11-105	246-826-301	NEW	02-06-115	246-937-010	AMD	02-11-022
246-808-320	REP-W	02-11-105	246-826-302	NEW	02-06-115	246-937-020	AMD	02-11-022
246-808-330	REP-W	02-11-105	246-826-303	NEW	02-06-115	246-937-030	AMD	02-11-022
246-808-340	REP-W	02-11-105	246-828	PREP-W	02-11-105	246-937-040	AMD	02-11-022
246-808-350	REP-W	02-11-105	246-828-080	PREP-W	02-11-105	246-937-050	AMD	02-11-022
246-808-360	REP-W	02-11-105	246-828-090	PREP-W	02-11-105	246-937-060	AMD	02-11-022
246-808-370	REP-W	02-11-105	246-828-100	PREP-W	02-11-105	246-937-070	AMD	02-11-022
246-808-380	REP-W	02-11-105	246-828-290	AMD	02-14-052	246-937-090	AMD	02-11-022
246-808-390	REP-W	02-11-105	246-828-320	PREP-W	02-11-105	246-976-031	AMD-P	02-10-133
246-808-640	REP-W	02-11-105	246-840-020	PREP	02-04-033	246-976-031	AMD	02-14-053
246-808-700	REP-W	02-11-105	246-840-030	PREP	02-04-033	246-976-161	PREP	02-11-077
246-809-600	NEW	02-11-108	246-840-040	PREP	02-04-033	246-976-171	PREP	02-11-077
246-809-610	NEW	02-11-108	246-840-050	PREP	02-04-033	246-976-500	AMD-P	02-09-043
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246-810-321	REP	02-09-041	246-840-700	AMD	02-06-117	246-976-560	AMD-P	02-09-043
246-810-332	REP	02-09-041	246-840-705	AMD	02-06-117	246-976-560	AMD	02-12-107
246-810-340	REP	02-09-041	246-840-710	AMD	02-06-117	246-976-600	AMD-P	02-09-043
246-810-520	REP	02-09-041	246-840-715	REP	02-06-117	246-976-600	AMD	02-12-107
246-810-521	REP	02-09-041	246-843-015	REP-X	02-06-116	246-976-610	AMD-P	02-09-043
246-810-532	REP	02-09-041	246-843-150	AMD-P	02-11-106	246-976-610	AMD	02-12-107
246-810-540	REP	02-09-041	246-843-180	AMD-P	02-11-106	246-976-650	AMD-P	02-09-043
246-810-600	REP	02-11-108	246-843-220	PREP-W	02-11-105	246-976-650	AMD	02-12-107
246-810-610	REP	02-11-108	246-843-330	AMD-P	02-11-106	246-976-720	AMD-P	02-09-043
246-810-620	REP	02-11-108	246-851	PREP-W	02-11-105	246-976-720	AMD	02-12-107
246-810-630	REP	02-11-108	246-851-150	AMD-C	02-04-090	246-976-730	AMD-P	02-09-043
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246-810-650	REP	02-11-108	246-851-160	AMD-C	02-04-090	246-976-770	AMD-P	02-09-043
246-810-660	REP	02-11-108	246-851-160	AMD	02-10-065	246-976-770	AMD	02-12-107
246-810-720	REP	02-09-041	246-851-200	REP	02-10-134	246-976-780	AMD-P	02-09-043
246-810-721	REP	02-09-041	246-851-250	AMD-C	02-04-090	246-976-780	AMD	02-12-107
246-810-732	REP	02-09-041	246-851-250	AMD	02-10-065	246-976-810	AMD-P	02-09-043
246-810-740	REP	02-09-041	246-851-300	AMD-C	02-04-090	246-976-810	AMD	02-12-107
246-811	PREP-W	02-11-105	246-851-300	AMD	02-10-065	246-976-820	AMD-P	02-09-043
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246-811-210	NEW	02-07-084	246-851-330	AMD	02-10-065	246-976-887	NEW-P	02-09-043
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246-976-960	AMD	02-14-053	251- 14-042	REP	02-15-048	251- 22-180	AMD-E	02-12-046
246-976-970	AMD-P	02-10-133	251- 14-050	REP-E	02-12-052	251- 22-180	AMD-P	02-12-115
246-976-970	AMD	02-14-053	251- 14-050	REP-P	02-12-111	251- 22-180	AMD	02-15-052
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250- 20-021	AMD-E	02-14-136	251- 14-052	AMD-E	02-12-052	251- 30-010	NEW-P	02-13-131
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250- 40-030	AMD-P	02-14-060	251- 14-052	AMD	02-15-048	251- 30-020	NEW-P	02-13-131
250- 66-030	AMD	02-05-006	251- 14-054	AMD-E	02-12-052	251- 30-030	NEW-E	02-13-056
250- 80-010	AMD-P	02-14-135	251- 14-054	AMD-P	02-12-111	251- 30-030	NEW-P	02-13-131
250- 80-010	AMD-E	02-14-137	251- 14-054	AMD	02-15-048	251- 30-040	NEW-E	02-13-056
250- 80-020	AMD-P	02-14-135	251- 14-056	AMD-E	02-12-052	251- 30-040	NEW-P	02-13-131
250- 80-020	AMD-E	02-14-137	251- 14-056	AMD-P	02-12-111	251- 30-050	NEW-E	02-13-056
250- 80-070	AMD-P	02-14-135	251- 14-056	AMD	02-15-048	251- 30-050	NEW-P	02-13-131
250- 80-070	AMD-E	02-14-137	251- 14-058	AMD-E	02-12-052	251- 30-055	NEW-E	02-13-056
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251- 01-180	REP-E	02-12-049	251- 14-060	AMD-P	02-12-111	251- 30-060	NEW-E	02-13-056
251- 01-180	REP-P	02-12-116	251- 14-060	AMD	02-15-048	251- 30-060	NEW-P	02-13-131
251- 01-180	REP	02-15-049	251- 14-070	REP-E	02-12-052	259- 04-010	AMD	02-06-014
251- 01-240	AMD-P	02-04-081	251- 14-070	REP-P	02-12-111	259- 04-050	AMD	02-06-014
251- 01-240	AMD	02-07-051	251- 14-070	REP	02-15-048	259- 04-070	AMD	02-06-014
251- 04-040	REP-E	02-12-048	251- 14-080	REP-E	02-12-052	260- 36-040	AMD-P	02-05-029
251- 04-040	REP-P	02-12-113	251- 14-080	REP-P	02-12-111	260- 36-040	AMD	02-10-101
251- 04-040	REP	02-15-050	251- 14-080	REP	02-15-048	260- 48-930	NEW-P	02-05-028
251- 06-090	AMD-E	02-12-047	251- 14-082	REP-E	02-12-052	260- 48-930	NEW-W	02-05-033
251- 06-090	AMD-P	02-12-114	251- 14-082	REP-P	02-12-111	260- 48-930	NEW	02-10-100
251- 06-090	AMD	02-15-051	251- 14-082	REP	02-15-048	260- 70-500	PREP	02-13-024
251- 06-091	NEW-E	02-12-047	251- 14-083	REP-E	02-12-052	260- 70-640	PREP	02-13-024
251- 06-091	NEW-P	02-12-114	251- 14-083	REP-P	02-12-111	260- 70-650	AMD-P	02-05-030
251- 06-091	NEW	02-15-051	251- 14-083	REP	02-15-048	260- 70-650	AMD	02-10-102
251- 08-005	AMD-E	02-12-049	251- 14-085	REP-E	02-12-052	260- 70-650	PREP	02-13-024
251- 08-005	AMD-P	02-12-116	251- 14-085	REP-P	02-12-111	260- 70-660	PREP	02-05-027
251- 08-005	AMD	02-15-049	251- 14-085	REP	02-15-048	260- 70-700	PREP	02-13-024
251- 08-021	AMD-E	02-12-049	251- 14-086	REP-E	02-12-052	284- 04-120	AMD	02-08-019
251- 08-021	AMD-P	02-12-116	251- 14-086	REP-P	02-12-111	284- 07-050	AMD-X	02-16-091
251- 08-021	AMD	02-15-049	251- 14-086	REP	02-15-048	284- 07-060	AMD-X	02-16-091
251- 08-051	REP-E	02-12-049	251- 14-087	REP-E	02-12-052	284- 07-070	AMD-X	02-16-091
251- 08-051	REP-P	02-12-116	251- 14-087	REP-P	02-12-111	284- 07-100	AMD-X	02-16-091
251- 08-051	REP	02-15-049	251- 14-087	REP	02-15-048	284- 07-110	AMD-X	02-16-091
251- 08-060	REP-E	02-12-049	251- 14-087	REP	02-15-048	284- 07-130	AMD-X	02-16-091
251- 08-060	REP-P	02-12-116	251- 14-090	REP-E	02-12-052	284- 17A-010	NEW-X	02-16-093
251- 08-060	REP	02-15-049	251- 14-090	REP-P	02-12-111	284- 17A-020	NEW-X	02-16-093
251- 10-030	AMD-P	02-12-119	251- 14-090	REP	02-15-048	284- 17A-030	NEW-X	02-16-093
251- 10-030	AMD-W	02-15-042	251- 14-120	AMD-E	02-12-052	284- 17A-040	NEW-X	02-16-093
251- 10-030	AMD-P	02-16-034	251- 14-120	AMD-P	02-12-111	284- 17A-050	NEW-X	02-16-093
251- 12-073	REP-P	02-04-079	251- 14-120	AMD	02-15-048	284- 17A-060	NEW-X	02-16-093
251- 12-073	REP	02-07-048	251- 17-150	AMD-E	02-12-046	284- 17A-070	NEW-X	02-16-093
251- 14-005	AMD-E	02-12-052	251- 17-150	AMD-P	02-12-115	284- 17A-080	NEW-X	02-16-093
251- 14-005	AMD-P	02-12-111	251- 17-150	AMD	02-15-052	284- 17A-090	NEW-X	02-16-093
251- 14-005	AMD	02-15-048	251- 17-200	AMD-P	02-04-080	284- 17A-090	NEW-X	02-16-093
251- 14-020	AMD-E	02-12-052	251- 17-200	AMD	02-07-050	284- 17A-100	NEW-X	02-16-093
251- 14-020	AMD-P	02-12-111	251- 18-190	AMD-P	02-12-119	284- 18A-300	NEW-P	02-16-092
251- 14-020	AMD	02-15-048	251- 18-190	AMD-W	02-15-042	284- 18A-310	NEW-P	02-16-092
251- 14-030	REP-E	02-12-052	251- 18-190	AMD-P	02-16-034	284- 18A-320	NEW-P	02-16-092
251- 14-030	REP-P	02-12-111	251- 19-060	AMD-E	02-12-047	284- 18A-330	NEW-P	02-16-092
251- 14-030	REP	02-15-048	251- 19-060	AMD-P	02-12-114	284- 18A-340	NEW-P	02-16-092
251- 14-040	REP-E	02-12-052	251- 19-060	AMD	02-15-051	284- 18A-350	NEW-P	02-16-092
251- 14-040	REP-P	02-12-111	251- 19-120	AMD-P	02-04-081	284- 18A-360	NEW-P	02-16-092
251- 14-040	REP	02-15-048	251- 19-120	AMD	02-07-051	284- 18A-370	NEW-P	02-16-092
251- 14-040	REP	02-15-048	251- 22-060	AMD-E	02-12-046	284- 18A-380	NEW-P	02-16-092

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284- 18A-390	NEW-P	02-16-092	296- 17-52150	AMD	02-09-093	296- 24-40515	REP	02-15-102
284- 18A-400	NEW-P	02-16-092	296- 17-52151	AMD-P	02-03-123	296- 24-51009	AMD-X	02-05-077
284- 18A-410	NEW-P	02-16-092	296- 17-52151	AMD	02-09-093	296- 24-51009	AMD	02-12-098
284- 18A-420	NEW-P	02-16-092	296- 20-01002	AMD-P	02-16-086	296- 24-51011	AMD-X	02-05-077
284- 18A-430	NEW-P	02-16-092	296- 20-02001	REP-X	02-14-149	296- 24-51011	AMD	02-12-098
284- 18A-440	NEW-P	02-16-092	296- 200A	PREP	02-04-106	296- 24-51015	AMD-X	02-05-077
284- 18A-910	NEW-P	02-16-092	296- 20-135	AMD-P	02-05-076	296- 24-51015	AMD	02-12-098
284- 18A-920	NEW-P	02-16-092	296- 20-135	AMD	02-10-129	296- 24-60205	AMD-X	02-05-077
284- 18A-930	NEW-P	02-16-092	296- 20-19000	NEW-P	02-16-086	296- 24-60205	AMD	02-12-098
284- 18A-940	NEW-P	02-16-092	296- 20-19010	NEW-P	02-16-086	296- 24-63499	AMD-X	02-05-077
284- 18A-950	NEW-P	02-16-092	296- 20-19020	NEW-P	02-16-086	296- 24-63499	AMD	02-12-098
284- 18A-960	NEW-P	02-16-092	296- 20-19030	NEW-P	02-16-086	296- 24-67513	AMD-X	02-05-077
284- 22-020	AMD-P	02-14-154	296- 23-170	REP-X	02-14-149	296- 24-67513	AMD	02-12-098
284- 22-050	AMD-P	02-14-154	296- 23-175	REP-X	02-14-149	296- 24-67515	AMD-X	02-05-077
284- 22-060	AMD-P	02-14-154	296- 23-185	REP-X	02-14-149	296- 24-67515	AMD	02-12-098
284- 22-080	AMD-P	02-14-154	296- 23-220	AMD-P	02-05-076	296- 28-001	REP-P	02-07-101
284- 24A-001	NEW-P	02-14-155	296- 23-220	AMD	02-10-129	296- 28-005	REP-P	02-07-101
284- 24A-005	NEW-P	02-14-155	296- 23-225	REP-X	02-14-149	296- 28-010	REP-P	02-07-101
284- 24A-010	NEW-P	02-14-155	296- 23-230	AMD-P	02-05-076	296- 28-015	REP-P	02-07-101
284- 24A-015	NEW-P	02-14-155	296- 23-230	AMD	02-10-129	296- 28-020	REP-P	02-07-101
284- 24A-020	NEW-P	02-14-155	296- 24	PREP	02-04-107	296- 28-025	REP-P	02-07-101
284- 24A-025	NEW-P	02-14-155	296- 24	PREP	02-04-108	296- 28-030	REP-P	02-07-101
284- 24A-030	NEW-P	02-14-155	296- 24	PREP	02-09-091	296- 28-035	REP-P	02-07-101
284- 24A-035	NEW-P	02-14-155	296- 24-012	AMD-X	02-05-077	296- 28-040	REP-P	02-07-101
284- 24A-040	NEW-P	02-14-155	296- 24-012	AMD	02-12-098	296- 28-045	REP-P	02-07-101
284- 24A-045	NEW-P	02-14-155	296- 24-102	REP-X	02-08-080	296- 28-050	REP-P	02-07-101
284- 24A-050	NEW-P	02-14-155	296- 24-102	REP	02-16-087	296- 32	AMD-S	02-10-025
284- 24A-055	NEW-P	02-14-155	296- 24-10203	REP-X	02-08-080	296- 32	AMD-W	02-15-132
284- 24A-065	NEW-P	02-14-155	296- 24-10203	REP	02-16-087	296- 32-240	AMD-P	02-05-080
284- 24A-070	NEW-P	02-14-155	296- 24-14001	AMD-X	02-05-077	296- 32-240	AMD-W	02-15-132
284- 30-390	PREP	02-15-173	296- 24-14001	AMD	02-12-098	296- 32-250	AMD-X	02-05-077
284- 34	PREP	02-14-153	296- 24-145	PREP	02-09-088	296- 32-250	AMD	02-12-098
292-110-010	AMD	02-07-074	296- 24-145	REP-P	02-13-118	296- 32-280	AMD-X	02-05-077
292-110-010	AMD-W	02-09-069	296- 24-14501	REP-P	02-13-118	296- 32-280	AMD	02-12-098
292-110-060	PREP	02-12-002	296- 24-14503	REP-P	02-13-118	296- 33-010	NEW	02-06-024
292-120-030	AMD	02-04-003	296- 24-14505	REP-P	02-13-118	296- 400A	PREP	02-04-106
292-120-035	NEW	02-04-003	296- 24-14507	REP-P	02-13-118	296- 401B	PREP	02-04-106
296- 05-007	AMD-X	02-04-004	296- 24-14507	REP-P	02-13-118	296- 401B	PREP	02-15-167
296- 05-007	AMD	02-10-083	296- 24-14509	REP-P	02-13-118	296- 402A	PREP	02-15-167
296- 05-300	AMD-X	02-04-004	296- 24-14511	REP-P	02-13-118	296- 45	AMD-S	02-10-025
296- 05-300	AMD	02-10-083	296- 24-14513	REP-P	02-13-118	296- 45	AMD-W	02-15-132
296- 05-316	AMD-X	02-04-004	296- 24-14515	REP-P	02-13-118	296- 45-52530	AMD-P	02-05-080
296- 05-316	AMD	02-10-083	296- 24-14519	REP-P	02-13-118	296- 45-52530	AMD-W	02-15-132
296- 05-402	AMD-X	02-04-004	296- 24-23003	AMD-X	02-05-077	296- 46A	PREP	02-04-106
296- 05-402	AMD	02-10-083	296- 24-23003	AMD	02-12-098	296- 46A	PREP	02-15-167
296- 13	PREP	02-15-167	296- 24-405	REP-P	02-07-100	296- 46A-910	AMD-P	02-09-095
296- 15	PREP	02-15-182	296- 24-405	REP	02-15-102	296- 46A-910	AMD	02-12-022
296- 150C	PREP	02-04-106	296- 24-40501	REP-P	02-07-100	296- 46A-915	AMD-P	02-09-095
296- 150F	PREP	02-04-106	296- 24-40501	REP	02-15-102	296- 46A-915	AMD	02-12-022
296- 150M	PREP	02-04-106	296- 24-40503	REP-P	02-07-100	296- 52	AMD	02-03-125
296- 150P	PREP	02-04-106	296- 24-40503	REP	02-15-102	296- 52-401	REP	02-03-125
296- 150R	PREP	02-04-106	296- 24-40503	REP-P	02-07-100	296- 52-405	REP	02-03-125
296- 150V	PREP	02-04-106	296- 24-40505	REP	02-15-102	296- 52-409	REP	02-03-125
296- 17	PREP	02-07-102	296- 24-40507	REP-P	02-07-100	296- 52-413	REP	02-03-125
296- 17	PREP	02-13-117	296- 24-40507	REP	02-15-102	296- 52-417	REP	02-03-125
296- 17-35203	AMD-P	02-03-123	296- 24-40509	REP-P	02-07-100	296- 52-419	REP	02-03-125
296- 17-35203	AMD	02-09-093	296- 24-40509	REP	02-15-102	296- 52-421	REP	02-03-125
296- 17-52140	AMD-P	02-03-123	296- 24-40511	REP-P	02-07-100	296- 52-423	REP	02-03-125
296- 17-52140	AMD	02-09-093	296- 24-40511	REP	02-15-102	296- 52-425	REP	02-03-125
296- 17-52141	AMD-P	02-03-123	296- 24-40513	REP-P	02-07-100	296- 52-429	REP	02-03-125
296- 17-52141	AMD	02-09-093	296- 24-40513	REP	02-15-102	296- 52-433	REP	02-03-125
296- 17-52150	AMD-P	02-03-123	296- 24-40515	REP-P	02-07-100	296- 52-437	REP	02-03-125

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296-52-441	REP	02-03-125	296-52-62010	NEW	02-03-125	296-52-67050	NEW	02-03-125
296-52-445	REP	02-03-125	296-52-62020	NEW-W	02-06-102	296-52-67055	NEW	02-03-125
296-52-449	REP	02-03-125	296-52-62025	NEW	02-03-125	296-52-67060	NEW	02-03-125
296-52-453	REP	02-03-125	296-52-62030	NEW	02-03-125	296-52-67065	NEW	02-03-125
296-52-457	REP	02-03-125	296-52-62035	NEW	02-03-125	296-52-67065	AMD-X	02-15-165
296-52-461	REP	02-03-125	296-52-62040	NEW	02-03-125	296-52-67070	NEW	02-03-125
296-52-465	REP	02-03-125	296-52-62045	NEW	02-03-125	296-52-67075	NEW	02-03-125
296-52-469	REP	02-03-125	296-52-63005	NEW	02-03-125	296-52-67080	NEW	02-03-125
296-52-477	REP	02-03-125	296-52-63010	NEW	02-03-125	296-52-67085	NEW	02-03-125
296-52-481	REP	02-03-125	296-52-63015	NEW-W	02-06-102	296-52-67090	NEW	02-03-125
296-52-485	REP	02-03-125	296-52-63020	NEW	02-03-125	296-52-67095	NEW	02-03-125
296-52-487	REP	02-03-125	296-52-63025	NEW	02-03-125	296-52-67100	NEW	02-03-125
296-52-489	REP	02-03-125	296-52-63030	NEW	02-03-125	296-52-67105	NEW	02-03-125
296-52-493	REP	02-03-125	296-52-64005	NEW	02-03-125	296-52-67110	NEW	02-03-125
296-52-497	REP	02-03-125	296-52-64010	NEW-W	02-06-102	296-52-67115	NEW	02-03-125
296-52-501	REP	02-03-125	296-52-64015	NEW-W	02-06-102	296-52-67120	NEW-W	02-06-102
296-52-505	REP	02-03-125	296-52-64020	NEW	02-03-125	296-52-67125	NEW	02-03-125
296-52-509	REP	02-03-125	296-52-64025	NEW-W	02-06-102	296-52-67130	NEW	02-03-125
296-52-510	REP	02-03-125	296-52-64030	NEW	02-03-125	296-52-67135	NEW	02-03-125
296-52-550	REP	02-03-125	296-52-64035	NEW	02-03-125	296-52-67140	NEW	02-03-125
296-52-552	REP	02-03-125	296-52-64040	NEW	02-03-125	296-52-67145	NEW	02-03-125
296-52-555	REP	02-03-125	296-52-64045	NEW	02-03-125	296-52-67150	NEW-W	02-06-102
296-52-600	NEW-W	02-06-102	296-52-64050	NEW	02-03-125	296-52-67155	NEW-W	02-06-102
296-52-60005	NEW	02-03-125	296-52-64055	NEW	02-03-125	296-52-67160	NEW	02-03-125
296-52-60010	NEW	02-03-125	296-52-64060	NEW-W	02-06-102	296-52-67160	AMD-X	02-15-165
296-52-60015	NEW	02-03-125	296-52-64065	NEW	02-03-125	296-52-67165	NEW	02-03-125
296-52-60020	NEW	02-03-125	296-52-64070	NEW-W	02-06-102	296-52-67170	NEW	02-03-125
296-52-60020	AMD-X	02-15-165	296-52-64075	NEW	02-03-125	296-52-67175	NEW-W	02-06-102
296-52-60025	NEW-W	02-06-102	296-52-64080	NEW	02-03-125	296-52-67180	NEW	02-03-125
296-52-60030	NEW	02-03-125	296-52-64085	NEW	02-03-125	296-52-67185	NEW	02-03-125
296-52-60035	NEW	02-03-125	296-52-64090	NEW	02-03-125	296-52-67190	NEW	02-03-125
296-52-60040	NEW-W	02-06-102	296-52-64095	NEW	02-03-125	296-52-67195	NEW	02-03-125
296-52-60045	NEW	02-03-125	296-52-64100	NEW	02-03-125	296-52-67200	NEW	02-03-125
296-52-60050	NEW	02-03-125	296-52-650	NEW	02-03-125	296-52-67205	NEW-W	02-06-102
296-52-60055	NEW	02-03-125	296-52-65005	NEW	02-03-125	296-52-67210	NEW	02-03-125
296-52-60060	NEW	02-03-125	296-52-65010	NEW	02-03-125	296-52-67215	NEW	02-03-125
296-52-60065	NEW	02-03-125	296-52-65015	NEW	02-03-125	296-52-67220	NEW	02-03-125
296-52-60070	NEW-W	02-06-102	296-52-65020	NEW	02-03-125	296-52-67225	NEW	02-03-125
296-52-60075	NEW	02-03-125	296-52-65025	NEW	02-03-125	296-52-67230	NEW	02-03-125
296-52-60080	NEW	02-03-125	296-52-65030	NEW	02-03-125	296-52-67235	NEW	02-03-125
296-52-60085	NEW	02-03-125	296-52-660	NEW	02-03-125	296-52-67240	NEW	02-03-125
296-52-60090	NEW	02-03-125	296-52-66005	NEW	02-03-125	296-52-67245	NEW	02-03-125
296-52-60095	NEW	02-03-125	296-52-66010	NEW	02-03-125	296-52-67250	NEW-W	02-06-102
296-52-60100	NEW	02-03-125	296-52-66015	NEW	02-03-125	296-52-68005	NEW-W	02-06-102
296-52-60105	NEW	02-03-125	296-52-66020	NEW	02-03-125	296-52-68010	NEW	02-03-125
296-52-60110	NEW-W	02-06-102	296-52-66025	NEW-W	02-06-102	296-52-68015	NEW	02-03-125
296-52-60115	NEW	02-03-125	296-52-66030	NEW	02-03-125	296-52-68020	NEW	02-03-125
296-52-60120	NEW	02-03-125	296-52-66035	NEW	02-03-125	296-52-68025	NEW	02-03-125
296-52-60125	NEW	02-03-125	296-52-66040	NEW	02-03-125	296-52-68030	NEW	02-03-125
296-52-60130	NEW	02-03-125	296-52-66045	NEW	02-03-125	296-52-68035	NEW-W	02-06-102
296-52-60130	AMD-X	02-15-165	296-52-66050	NEW	02-03-125	296-52-68040	NEW	02-03-125
296-52-61005	NEW	02-03-125	296-52-66055	NEW	02-03-125	296-52-68045	NEW	02-03-125
296-52-61010	NEW	02-03-125	296-52-66060	NEW	02-03-125	296-52-68050	NEW	02-03-125
296-52-61015	NEW	02-03-125	296-52-67005	NEW-W	02-06-102	296-52-68055	NEW	02-03-125
296-52-61020	NEW	02-03-125	296-52-67010	NEW	02-03-125	296-52-68060	NEW	02-03-125
296-52-61025	NEW	02-03-125	296-52-67015	NEW-W	02-06-102	296-52-68060	AMD-X	02-15-165
296-52-61030	NEW	02-03-125	296-52-67020	NEW	02-03-125	296-52-68065	NEW	02-03-125
296-52-61035	NEW	02-03-125	296-52-67025	NEW	02-03-125	296-52-68070	NEW-W	02-06-102
296-52-61040	NEW	02-03-125	296-52-67030	NEW	02-03-125	296-52-68075	NEW	02-03-125
296-52-61045	NEW	02-03-125	296-52-67035	NEW	02-03-125	296-52-68080	NEW	02-03-125
296-52-61050	NEW	02-03-125	296-52-67040	NEW	02-03-125	296-52-68085	NEW	02-03-125
296-52-62005	NEW	02-03-125	296-52-67045	NEW	02-03-125	296-52-69005	NEW	02-03-125

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296-52-69010	NEW	02-03-125	296-52-71050	NEW-W	02-06-102	296-62-41020	REP	02-11-141
296-52-69010	AMD-X	02-15-165	296-52-71055	NEW	02-03-125	296-62-41021	REP	02-11-141
296-52-69015	NEW	02-03-125	296-52-71060	NEW	02-03-125	296-62-41023	REP	02-11-141
296-52-69015	AMD-X	02-15-165	296-52-71065	NEW	02-03-125	296-62-41025	REP	02-11-141
296-52-69020	NEW	02-03-125	296-52-71070	NEW-W	02-06-102	296-62-41030	REP	02-11-141
296-52-69025	NEW	02-03-125	296-52-71075	NEW	02-03-125	296-62-41031	REP	02-11-141
296-52-69030	NEW	02-03-125	296-52-71080	NEW	02-03-125	296-62-41033	REP	02-11-141
296-52-69035	NEW	02-03-125	296-52-71085	NEW-W	02-06-102	296-62-41035	REP	02-11-141
296-52-69040	NEW	02-03-125	296-52-71090	NEW	02-03-125	296-62-41040	REP	02-11-141
296-52-69045	NEW	02-03-125	296-52-71095	NEW	02-03-125	296-62-41041	REP	02-11-141
296-52-69050	NEW	02-03-125	296-52-71100	NEW	02-03-125	296-62-41042	REP	02-11-141
296-52-69055	NEW	02-03-125	296-52-71105	NEW	02-03-125	296-62-41043	REP	02-11-141
296-52-69060	NEW	02-03-125	296-52-720	NEW	02-03-125	296-62-41044	REP	02-11-141
296-52-69065	NEW	02-03-125	296-52-725	NEW	02-03-125	296-62-41045	REP	02-11-141
296-52-69070	NEW	02-03-125	296-62	PREP	02-04-107	296-62-41046	REP	02-11-141
296-52-69075	NEW-W	02-06-102	296-62	PREP	02-10-130	296-62-41047	REP	02-11-141
296-52-69080	NEW	02-03-125	296-62	PREP	02-13-114	296-62-41060	REP	02-11-141
296-52-69085	NEW	02-03-125	296-62	PREP	02-13-116	296-62-41061	REP	02-11-141
296-52-69090	NEW	02-03-125	296-62-060	AMD-P	02-09-092	296-62-41063	REP	02-11-141
296-52-69095	NEW	02-03-125	296-62-060	AMD	02-16-047	296-62-41080	REP	02-11-141
296-52-69095	AMD-X	02-15-165	296-62-070	AMD-P	02-09-092	296-62-41081	REP	02-11-141
296-52-69100	NEW-W	02-06-102	296-62-070	AMD	02-16-047	296-62-41082	REP	02-11-141
296-52-69105	NEW	02-03-125	296-62-071	PREP	02-11-140	296-62-41084	REP	02-11-141
296-52-69110	NEW	02-03-125	296-62-07302	AMD-X	02-05-077	296-62-41085	REP	02-11-141
296-52-69115	NEW	02-03-125	296-62-07302	AMD	02-12-098	296-62-41086	REP	02-11-141
296-52-69120	NEW	02-03-125	296-62-07304	AMD-X	02-05-077	296-67-053	AMD-X	02-15-166
296-52-69125	NEW	02-03-125	296-62-07304	AMD	02-12-098	296-67-291	AMD-X	02-15-166
296-52-69125	AMD-X	02-15-165	296-62-07312	AMD-X	02-05-077	296-78-56501	AMD	02-03-124
296-52-69130	NEW-X	02-15-165	296-62-07312	AMD	02-12-098	296-78-56505	AMD	02-03-124
296-52-700	NEW	02-03-125	296-62-07314	AMD-X	02-05-077	296-78-71015	AMD-P	02-07-100
296-52-70005	NEW	02-03-125	296-62-07314	AMD	02-12-098	296-78-71015	AMD	02-15-102
296-52-70010	NEW	02-03-125	296-62-07421	AMD-X	02-05-077	296-79-140	AMD-X	02-05-077
296-52-70010	AMD-X	02-15-165	296-62-07421	AMD	02-12-098	296-79-140	AMD	02-12-098
296-52-70015	NEW	02-03-125	296-62-07501	AMD-X	02-05-077	296-86A-010	REP-P	02-09-095
296-52-70020	NEW	02-03-125	296-62-07501	AMD	02-12-098	296-86A-010	REP	02-12-022
296-52-70025	NEW	02-03-125	296-62-07527	AMD-X	02-05-077	296-86A-020	REP-P	02-09-095
296-52-70030	NEW	02-03-125	296-62-07527	AMD	02-12-098	296-86A-020	REP	02-12-022
296-52-70035	NEW	02-03-125	296-62-07540	AMD-X	02-05-077	296-86A-025	REP-P	02-09-095
296-52-70040	NEW	02-03-125	296-62-07540	AMD	02-12-098	296-86A-025	REP	02-12-022
296-52-70045	NEW	02-03-125	296-62-080	AMD-P	02-09-092	296-86A-028	REP-P	02-09-095
296-52-70050	NEW	02-03-125	296-62-080	AMD	02-16-047	296-86A-028	REP	02-12-022
296-52-70055	NEW	02-03-125	296-62-11021	AMD-P	02-07-100	296-86A-030	REP-P	02-09-095
296-52-70060	NEW	02-03-125	296-62-11021	AMD	02-15-102	296-86A-030	REP	02-12-022
296-52-70065	NEW	02-03-125	296-62-130	AMD-P	02-09-092	296-86A-040	REP-P	02-09-095
296-52-70070	NEW	02-03-125	296-62-130	AMD	02-16-047	296-86A-040	REP	02-12-022
296-52-70075	NEW-W	02-06-102	296-62-14105	AMD-X	02-05-077	296-86A-060	REP-P	02-09-095
296-52-70080	NEW	02-03-125	296-62-14105	AMD	02-12-098	296-86A-060	REP	02-12-022
296-52-70085	NEW	02-03-125	296-62-14110	AMD-X	02-05-077	296-86A-065	REP-P	02-09-095
296-52-710	NEW	02-03-125	296-62-14110	AMD	02-12-098	296-86A-065	REP	02-12-022
296-52-710	AMD-X	02-15-165	296-62-14155	AMD-X	02-05-077	296-86A-070	REP-P	02-09-095
296-52-71005	NEW-W	02-06-102	296-62-14155	AMD	02-12-098	296-86A-070	REP	02-12-022
296-52-71010	NEW-W	02-06-102	296-62-14171	AMD-X	02-05-077	296-86A-073	REP-P	02-09-095
296-52-71015	NEW	02-03-125	296-62-14171	AMD	02-12-098	296-86A-073	REP	02-12-022
296-52-71020	NEW	02-03-125	296-62-410	REP	02-11-141	296-86A-074	REP-P	02-09-095
296-52-71020	AMD-X	02-15-165	296-62-41001	REP	02-11-141	296-86A-074	REP	02-12-022
296-52-71025	NEW	02-03-125	296-62-41003	REP	02-11-141	296-86A-075	REP-P	02-09-095
296-52-71030	NEW-W	02-06-102	296-62-41010	REP	02-11-141	296-86A-075	REP	02-12-022
296-52-71035	NEW	02-03-125	296-62-41011	REP	02-11-141	296-86A-080	REP-P	02-09-095
296-52-71040	NEW	02-03-125	296-62-41013	REP	02-11-141	296-86A-080	REP	02-12-022
296-52-71040	AMD-X	02-15-165	296-62-41015	REP	02-11-141	296-96	PREP	02-04-106
296-52-71045	NEW	02-03-125	296-62-41017	REP	02-11-141	296-96	PREP	02-09-090
296-52-71045	AMD-X	02-15-165	296-62-41019	REP	02-11-141	296-96-01010	AMD-P	02-09-095

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-96-01010	AMD	02-12-022	296-155	AMD-S	02-10-025	296-155-707	NEW-P	02-06-114
296-96-01012	NEW-P	02-09-095	296-155	AMD-W	02-15-132	296-155-707	NEW	02-13-115
296-96-01012	NEW	02-12-022	296-155-110	AMD-P	02-05-080	296-155-708	NEW-P	02-06-114
296-96-01015	REP-P	02-09-095	296-155-110	AMD-W	02-15-132	296-155-708	NEW	02-13-115
296-96-01015	REP	02-12-022	296-155-165	AMD-P	02-05-080	296-155-709	NEW-P	02-06-114
296-96-01025	AMD-P	02-09-095	296-155-165	AMD-W	02-15-132	296-155-709	NEW	02-13-115
296-96-01025	AMD	02-12-022	296-155-200	AMD-P	02-05-080	296-155-710	REP-P	02-06-114
296-96-01027	AMD-P	02-09-095	296-155-200	AMD-W	02-15-132	296-155-710	REP	02-13-115
296-96-01027	AMD	02-12-022	296-155-24525	AMD-X	02-05-077	296-155-711	NEW-P	02-06-114
296-96-01030	AMD-P	02-09-095	296-155-24525	AMD	02-12-098	296-155-711	NEW	02-13-115
296-96-01030	AMD	02-12-022	296-155-441	AMD-X	02-05-077	296-155-714	NEW-P	02-06-114
296-96-01035	AMD-P	02-09-095	296-155-441	AMD	02-12-098	296-155-714	NEW	02-13-115
296-96-01035	AMD	02-12-022	296-155-525	AMD-X	02-05-077	296-155-715	REP-P	02-06-114
296-96-01040	AMD-P	02-09-095	296-155-525	AMD	02-12-098	296-155-715	REP	02-13-115
296-96-01040	AMD	02-12-022	296-155-530	AMD-X	02-05-077	296-155-716	NEW-P	02-06-114
296-96-01045	AMD-P	02-09-095	296-155-530	AMD	02-12-098	296-155-716	NEW	02-13-115
296-96-01045	AMD	02-12-022	296-155-601	NEW-P	02-05-080	296-155-717	NEW-P	02-06-114
296-96-01050	AMD-P	02-09-095	296-155-601	NEW-W	02-15-132	296-155-717	NEW	02-13-115
296-96-01050	AMD	02-12-022	296-155-602	NEW-P	02-05-080	296-155-720	REP-P	02-06-114
296-96-01055	AMD-P	02-09-095	296-155-602	NEW-W	02-15-132	296-155-720	REP	02-13-115
296-96-01055	AMD	02-12-022	296-155-603	NEW-P	02-05-080	296-155-72401	NEW-P	02-06-114
296-96-01060	AMD-P	02-09-095	296-155-603	NEW-W	02-15-132	296-155-72401	NEW-W	02-13-115
296-96-01060	AMD	02-12-022	296-155-604	NEW-P	02-05-080	296-155-72402	NEW-P	02-06-114
296-96-01065	AMD-P	02-09-095	296-155-604	NEW-W	02-15-132	296-155-72402	NEW-W	02-13-115
296-96-01065	AMD	02-12-022	296-155-605	AMD-P	02-05-080	296-155-72403	NEW-P	02-06-114
296-104	PREP	02-04-105	296-155-605	AMD-W	02-15-132	296-155-72403	NEW-W	02-13-115
296-104	PREP	02-08-090	296-155-606	NEW-P	02-05-080	296-155-72404	NEW-P	02-06-114
296-104-055	AMD-P	02-09-094	296-155-606	NEW-W	02-15-132	296-155-72404	NEW-W	02-13-115
296-104-055	AMD	02-12-021	296-155-607	NEW-P	02-05-080	296-155-72405	NEW-P	02-06-114
296-104-060	AMD-P	02-09-094	296-155-607	NEW-W	02-15-132	296-155-72405	NEW-W	02-13-115
296-104-060	AMD	02-12-021	296-155-608	NEW-P	02-05-080	296-155-72406	NEW-P	02-06-114
296-104-700	AMD-P	02-09-094	296-155-608	NEW-W	02-15-132	296-155-72406	NEW-W	02-13-115
296-104-700	AMD	02-12-021	296-155-609	NEW-P	02-05-080	296-155-960	AMD-X	02-05-077
296-130	PREP	02-11-139	296-155-609	NEW-W	02-15-132	296-155-960	AMD	02-12-098
296-150C-0800	AMD-P	02-09-095	296-155-610	AMD-P	02-05-080	296-200A-080	AMD-P	02-09-095
296-150C-0800	AMD	02-12-022	296-155-610	AMD-W	02-15-132	296-200A-080	AMD	02-12-022
296-150C-3000	AMD-P	02-09-095	296-155-611	NEW-P	02-05-080	296-200A-900	AMD-P	02-09-095
296-150C-3000	AMD	02-12-022	296-155-611	NEW-W	02-15-132	296-200A-900	AMD	02-12-022
296-150F-3000	AMD-E	02-14-073	296-155-612	NEW-P	02-05-080	296-305	PREP	02-13-114
296-150M-0020	AMD	02-03-048	296-155-612	NEW-W	02-15-132	296-305-04001	AMD-X	02-05-077
296-150M-0020	AMD-E	02-14-073	296-155-615	AMD-P	02-05-080	296-305-04001	AMD	02-12-098
296-150M-0049	NEW	02-03-048	296-155-615	AMD-W	02-15-132	296-305-05003	AMD-X	02-05-077
296-150M-0049	AMD-E	02-14-073	296-155-655	AMD-P	02-05-080	296-305-05003	AMD	02-12-098
296-150M-0050	AMD-E	02-14-073	296-155-655	AMD-W	02-15-132	296-305-05011	AMD-X	02-15-166
296-150M-0051	NEW-E	02-14-073	296-155-66405	AMD-X	02-05-077	296-307	PREP	02-04-107
296-150M-0140	AMD	02-03-048	296-155-66405	AMD	02-12-098	296-307-039	AMD-X	02-05-077
296-150M-0302	NEW	02-03-048	296-155-66411	AMD-X	02-05-077	296-307-039	AMD	02-12-098
296-150M-0304	NEW-W	02-09-070	296-155-66411	AMD	02-12-098	296-307-08009	AMD-X	02-05-077
296-150M-0320	AMD-E	02-14-073	296-155-700	REP-P	02-06-114	296-307-08009	AMD	02-12-098
296-150M-0322	NEW-E	02-14-073	296-155-700	REP	02-13-115	296-307-14520	PREP	02-07-103
296-150M-3000	AMD-E	02-14-073	296-155-701	NEW-P	02-06-114	296-307-452	NEW	02-11-141
296-150P-3000	AMD-P	02-09-095	296-155-701	NEW	02-13-115	296-307-45210	NEW	02-11-141
296-150P-3000	AMD	02-12-022	296-155-702	NEW-P	02-06-114	296-307-45220	NEW	02-11-141
296-150R-3000	AMD-P	02-09-095	296-155-702	NEW	02-13-115	296-307-45230	NEW	02-11-141
296-150R-3000	AMD	02-12-022	296-155-703	NEW-P	02-06-114	296-307-45240	NEW	02-11-141
296-150T-3000	AMD-P	02-09-095	296-155-703	NEW	02-13-115	296-307-45400	NEW	02-11-141
296-150T-3000	AMD	02-12-022	296-155-704	NEW-P	02-06-114	296-307-45410	NEW	02-11-141
296-150V-0800	AMD-P	02-09-095	296-155-704	NEW	02-13-115	296-307-45420	NEW	02-11-141
296-150V-0800	AMD	02-12-022	296-155-705	REP-P	02-06-114	296-307-45430	NEW	02-11-141
296-150V-3000	AMD-P	02-09-095	296-155-705	REP	02-13-115	296-307-45440	NEW	02-11-141
296-150V-3000	AMD	02-12-022	296-155-706	NEW-P	02-06-114	296-307-45450	NEW	02-11-141
296-155	PREP	02-09-091	296-155-706	NEW	02-13-115	296-307-45600	NEW	02-11-141

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296-307-45610	NEW	02-11-141	296-403A-140	NEW-P	02-09-097	296-800-23020	AMD-P	02-09-092
296-307-45620	NEW	02-11-141	296-403A-150	NEW-P	02-09-097	296-800-23020	AMD	02-16-047
296-307-45800	NEW	02-11-141	296-403A-160	NEW-P	02-09-097	296-800-25015	AMD-P	02-09-092
296-307-46000	NEW	02-11-141	296-403A-170	NEW-P	02-09-097	296-800-25015	AMD	02-16-047
296-400A	PREP	02-09-089	296-403A-180	NEW-P	02-09-097	296-800-28040	AMD-P	02-09-092
296-400A	AMD-P	02-09-096	296-403A-190	NEW-P	02-09-097	296-800-28040	AMD	02-16-047
296-400A	AMD	02-14-074	296-403A-195	NEW-P	02-09-097	296-800-28045	AMD-P	02-09-092
296-400A-005	AMD-P	02-09-096	296-403A-200	NEW-P	02-09-097	296-800-28045	AMD	02-16-047
296-400A-005	AMD	02-14-074	296-403A-210	NEW-P	02-09-097	296-800-32025	AMD-P	02-09-092
296-400A-020	AMD-P	02-09-096	296-403A-220	NEW-P	02-09-097	296-800-32025	AMD	02-16-047
296-400A-020	AMD	02-14-074	296-403A-230	NEW-P	02-09-097	296-800-35030	AMD-P	02-09-092
296-400A-025	AMD-P	02-09-096	296-403A-240	NEW-P	02-09-097	296-800-35030	AMD	02-16-047
296-400A-026	AMD-P	02-09-096	296-800	PREP	02-04-107	296-800-35040	AMD-P	02-09-092
296-400A-030	AMD-P	02-09-096	296-800-110	AMD-P	02-09-092	296-800-35040	AMD	02-16-047
296-400A-030	AMD	02-14-074	296-800-110	AMD	02-16-047	296-800-35056	AMD-P	02-09-092
296-400A-031	AMD-P	02-09-096	296-800-11040	NEW-P	02-09-092	296-800-35056	AMD	02-16-047
296-400A-031	AMD	02-14-074	296-800-11040	NEW	02-16-047	296-800-35076	AMD-P	02-09-092
296-400A-035	AMD-P	02-09-096	296-800-11045	NEW-P	02-09-092	296-800-35076	AMD	02-16-047
296-400A-035	AMD	02-14-074	296-800-11045	NEW	02-16-047	296-800-370	AMD-P	02-09-092
296-400A-045	AMD-P	02-09-096	296-800-130	AMD-P	02-09-092	296-800-370	AMD	02-16-047
296-400A-045	AMD	02-14-074	296-800-130	AMD	02-16-047	296-817	PREP	02-13-114
296-400A-070	AMD-P	02-09-096	296-800-13005	REP-P	02-09-092	296-824-100	NEW	02-11-141
296-400A-070	AMD	02-14-074	296-800-13005	REP	02-16-047	296-824-100	AMD-X	02-15-166
296-400A-100	AMD-P	02-09-096	296-800-13010	REP-P	02-09-092	296-824-110	NEW	02-11-141
296-400A-100	AMD	02-14-074	296-800-13010	REP	02-16-047	296-824-110	AMD-X	02-15-166
296-400A-120	AMD-P	02-09-096	296-800-13015	REP-P	02-09-092	296-824-11010	NEW	02-11-141
296-400A-120	AMD	02-14-074	296-800-13015	REP	02-16-047	296-824-11010	AMD-X	02-15-166
296-400A-121	AMD-P	02-09-096	296-800-13020	NEW-P	02-09-092	296-824-11020	NEW	02-11-141
296-400A-121	AMD	02-14-074	296-800-13020	NEW	02-16-047	296-824-11020	AMD-X	02-15-166
296-400A-122	NEW-P	02-09-096	296-800-13025	NEW-P	02-09-092	296-824-11050	NEW	02-11-141
296-400A-122	NEW	02-14-074	296-800-13025	NEW	02-16-047	296-824-11050	AMD-X	02-15-166
296-400A-130	AMD-P	02-09-096	296-800-13030	NEW-P	02-09-092	296-824-11060	NEW	02-11-141
296-400A-130	AMD	02-14-074	296-800-13035	NEW-P	02-09-092	296-824-11060	AMD-X	02-15-166
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296-400A-430	NEW-P	02-09-096	296-800-150	AMD	02-16-047	296-824-12020	NEW	02-11-141
296-400A-430	NEW	02-14-074	296-800-15030	NEW-P	02-09-092	296-824-12020	AMD-X	02-15-166
296-401B-700	AMD-P	02-09-095	296-800-15030	NEW	02-16-047	296-824-12030	NEW	02-11-141
296-401B-700	AMD	02-12-022	296-800-15035	NEW-P	02-09-092	296-824-12030	AMD-X	02-15-166
296-402A-040	AMD-P	02-09-097	296-800-15035	NEW	02-16-047	296-824-12040	NEW	02-11-141
296-402A-410	AMD-P	02-09-097	296-800-15040	NEW-P	02-09-092	296-824-12040	AMD-X	02-15-166
296-402A-630	AMD-P	02-09-097	296-800-15040	NEW	02-16-047	296-824-12050	NEW	02-11-141
296-403-010	REP-P	02-09-097	296-800-16050	AMD-P	02-09-092	296-824-12050	AMD-X	02-15-166
296-403-020	REP-P	02-09-097	296-800-16050	AMD	02-16-047	296-824-12060	NEW	02-11-141
296-403-030	REP-P	02-09-097	296-800-16070	AMD-P	02-09-092	296-824-12060	AMD-X	02-15-166
296-403-040	REP-P	02-09-097	296-800-16070	AMD	02-16-047	296-824-13010	NEW	02-11-141
296-403-050	REP-P	02-09-097	296-800-170	AMD-P	02-09-092	296-824-13010	AMD-X	02-15-166
296-403-060	REP-P	02-09-097	296-800-170	AMD	02-16-047	296-824-13020	NEW	02-11-141
296-403-070	REP-P	02-09-097	296-800-17020	AMD-P	02-09-092	296-824-13020	AMD-X	02-15-166
296-403-080	REP-P	02-09-097	296-800-17020	AMD	02-16-047	296-824-13030	NEW	02-11-141
296-403-090	REP-P	02-09-097	296-800-17025	AMD-P	02-09-092	296-824-13030	AMD-X	02-15-166
296-403-100	REP-P	02-09-097	296-800-17025	AMD	02-16-047	296-824-14010	NEW	02-11-141
296-403-110	REP-P	02-09-097	296-800-17030	AMD-P	02-09-092	296-824-14010	AMD-X	02-15-166
296-403-120	REP-P	02-09-097	296-800-17030	AMD	02-16-047	296-824-15010	NEW	02-11-141
296-403-130	REP-P	02-09-097	296-800-18010	AMD-P	02-09-092	296-824-15010	AMD-X	02-15-166
296-403-140	REP-P	02-09-097	296-800-18010	AMD	02-16-047	296-824-200	NEW-X	02-15-166
296-403-150	REP-P	02-09-097	296-800-18015	AMD-P	02-09-092	296-824-20005	NEW-X	02-15-166
296-403-160	REP-P	02-09-097	296-800-18015	AMD	02-16-047	296-824-300	NEW-X	02-15-166
296-403A-100	NEW-P	02-09-097	296-800-20005	AMD-P	02-09-092	296-824-30005	NEW-X	02-15-166
296-403A-110	NEW-P	02-09-097	296-800-20005	AMD	02-16-047	296-824-400	NEW-X	02-15-166
296-403A-120	NEW-P	02-09-097	296-800-23010	AMD-P	02-09-092	296-824-40005	NEW-X	02-15-166
296-403A-130	NEW-P	02-09-097	296-800-23010	AMD	02-16-047	296-824-40010	NEW-X	02-15-166

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296-824-500	NEW-X	02-15-166	296-835-12025	NEW-P	02-07-100	296-878-16005	NEW-P	02-13-118
296-824-50005	NEW-X	02-15-166	296-835-12025	NEW	02-15-102	296-878-170	NEW-P	02-13-118
296-824-50010	NEW-X	02-15-166	296-835-12030	NEW-P	02-07-100	296-878-17005	NEW-P	02-13-118
296-824-50015	NEW-X	02-15-166	296-835-12035	NEW-P	02-07-100	296-878-180	NEW-P	02-13-118
296-824-50020	NEW-X	02-15-166	296-835-12035	NEW	02-15-102	296-878-18005	NEW-P	02-13-118
296-824-50025	NEW-X	02-15-166	296-835-12040	NEW-P	02-07-100	296-878-18010	NEW-P	02-13-118
296-824-50030	NEW-X	02-15-166	296-835-12040	NEW	02-15-102	296-878-18015	NEW-P	02-13-118
296-824-600	NEW-X	02-15-166	296-835-12045	NEW-P	02-07-100	296-878-18020	NEW-P	02-13-118
296-824-60005	NEW-X	02-15-166	296-835-12045	NEW	02-15-102	296-878-190	NEW-P	02-13-118
296-824-60010	NEW-X	02-15-166	296-835-12050	NEW-P	02-07-100	296-878-19005	NEW-P	02-13-118
296-824-60015	NEW-X	02-15-166	296-835-12050	NEW	02-15-102	296-878-19010	NEW-P	02-13-118
296-824-700	NEW-X	02-15-166	296-835-12055	NEW-P	02-07-100	296-878-200	NEW-P	02-13-118
296-824-70005	NEW-X	02-15-166	296-835-12055	NEW	02-15-102	296-878-20005	NEW-P	02-13-118
296-824-800	NEW-X	02-15-166	296-835-12060	NEW-P	02-07-100	296-878-20010	NEW-P	02-13-118
296-832-100	NEW	02-16-087	296-835-12060	NEW	02-15-102	296-878-20015	NEW-P	02-13-118
296-832-10000	NEW-X	02-08-080	296-835-12065	NEW-P	02-07-100	296-878-210	NEW-P	02-13-118
296-832-10005	NEW-X	02-08-080	296-835-12065	NEW	02-15-102	296-878-21005	NEW-P	02-13-118
296-832-10010	NEW-X	02-08-080	296-835-130	NEW-P	02-07-100	296-878-220	NEW-P	02-13-118
296-832-10015	NEW-X	02-08-080	296-835-130	NEW	02-15-102	308-08-085	AMD-X	02-14-001
296-832-10020	NEW-X	02-08-080	296-835-13005	NEW-P	02-07-100	308-08-600	AMD	02-11-011
296-832-10025	NEW-X	02-08-080	296-835-13005	NEW	02-15-102	308-12-010	AMD-P	02-04-114
296-832-200	NEW	02-16-087	296-835-13010	NEW-P	02-07-100	308-12-010	AMD	02-11-082
296-832-20005	NEW	02-16-087	296-835-13010	NEW	02-15-102	308-12-031	AMD-P	02-04-114
296-832-20010	NEW	02-16-087	296-835-13015	NEW-P	02-07-100	308-12-031	AMD	02-11-082
296-832-300	NEW	02-16-087	296-835-13015	NEW	02-15-102	308-12-050	AMD-P	02-04-114
296-832-30005	NEW	02-16-087	296-835-13020	NEW-P	02-07-100	308-12-050	AMD	02-11-082
296-832-30010	NEW	02-16-087	296-835-13020	NEW	02-15-102	308-12-081	AMD-P	02-04-114
296-832-30015	NEW	02-16-087	296-835-13025	NEW-P	02-07-100	308-12-081	AMD	02-11-082
296-835-100	NEW-P	02-07-100	296-835-13025	NEW	02-15-102	308-12-085	AMD-P	02-04-114
296-835-100	NEW	02-15-102	296-835-13030	NEW-P	02-07-100	308-12-085	AMD	02-11-082
296-835-110	NEW-P	02-07-100	296-835-13030	NEW	02-15-102	308-12-115	AMD-P	02-04-114
296-835-110	NEW	02-15-102	296-835-140	NEW-P	02-07-100	308-12-115	AMD	02-11-082
296-835-11005	NEW-P	02-07-100	296-835-140	NEW	02-15-102	308-12-150	AMD-P	02-04-114
296-835-11005	NEW	02-15-102	296-860-100	NEW-P	02-07-101	308-12-150	AMD	02-11-082
296-835-11010	NEW-P	02-07-100	296-860-10005	NEW-P	02-07-101	308-12-210	AMD-P	02-04-114
296-835-11010	NEW	02-15-102	296-860-10010	NEW-P	02-07-101	308-12-210	AMD	02-11-082
296-835-11015	NEW-P	02-07-100	296-860-10020	NEW-P	02-07-101	308-12-220	AMD-P	02-04-114
296-835-11015	NEW	02-15-102	296-860-10025	NEW-P	02-07-101	308-12-220	AMD	02-11-082
296-835-11020	NEW-P	02-07-100	296-860-10030	NEW-P	02-07-101	308-12-230	AMD-P	02-04-114
296-835-11020	NEW	02-15-102	296-860-10040	NEW-P	02-07-101	308-12-230	AMD	02-11-082
296-835-11025	NEW-P	02-07-100	296-860-10050	NEW-P	02-07-101	308-12-240	AMD-P	02-04-114
296-835-11025	NEW	02-15-102	296-860-10060	NEW-P	02-07-101	308-12-240	AMD	02-11-082
296-835-11030	NEW-P	02-07-100	296-860-10070	NEW-P	02-07-101	308-12-320	AMD-P	02-04-114
296-835-11030	NEW	02-15-102	296-860-10100	NEW-P	02-07-101	308-12-320	AMD	02-11-082
296-835-11035	NEW-P	02-07-100	296-878-100	NEW-P	02-13-118	308-12-321	REP-P	02-04-114
296-835-11035	NEW	02-15-102	296-878-10005	NEW-P	02-13-118	308-12-321	REP	02-11-082
296-835-11040	NEW-P	02-07-100	296-878-110	NEW-P	02-13-118	308-12-322	REP-P	02-04-114
296-835-11040	NEW	02-15-102	296-878-11005	NEW-P	02-13-118	308-12-322	REP	02-11-082
296-835-11045	NEW-P	02-07-100	296-878-120	NEW-P	02-13-118	308-12-323	REP-P	02-04-114
296-835-11045	NEW	02-15-102	296-878-12005	NEW-P	02-13-118	308-12-323	REP	02-11-082
296-835-11050	NEW-P	02-07-100	296-878-130	NEW-P	02-13-118	308-12-324	REP-P	02-04-114
296-835-11050	NEW	02-15-102	296-878-13005	NEW-P	02-13-118	308-12-324	REP	02-11-082
296-835-120	NEW-P	02-07-100	296-878-13010	NEW-P	02-13-118	308-12-325	REP-P	02-04-114
296-835-120	NEW	02-15-102	296-878-140	NEW-P	02-13-118	308-12-325	REP	02-11-082
296-835-12005	NEW-P	02-07-100	296-878-14005	NEW-P	02-13-118	308-12-330	NEW-P	02-04-114
296-835-12005	NEW	02-15-102	296-878-150	NEW-P	02-13-118	308-12-330	NEW	02-11-082
296-835-12010	NEW-P	02-07-100	296-878-15005	NEW-P	02-13-118	308-13-005	AMD-P	02-04-113
296-835-12010	NEW	02-15-102	296-878-15010	NEW-P	02-13-118	308-13-005	AMD	02-07-047
296-835-12015	NEW-P	02-07-100	296-878-15015	NEW-P	02-13-118	308-13-020	AMD-P	02-04-113
296-835-12015	NEW	02-15-102	296-878-15020	NEW-P	02-13-118	308-13-020	AMD	02-07-047
296-835-12020	NEW-P	02-07-100	296-878-15025	NEW-P	02-13-118	308-13-024	AMD-P	02-04-113
296-835-12020	NEW	02-15-102	296-878-160	NEW-P	02-13-118	308-13-024	AMD	02-07-047

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308- 13-036	NEW-P	02-04-113	308- 47-040	NEW-P	02-14-059	308- 56A-460	AMD-E	02-13-005
308- 13-036	NEW	02-07-047	308- 47-050	NEW-P	02-14-059	308- 56A-460	AMD-P	02-15-034
308- 13-050	AMD-P	02-04-113	308- 47-060	NEW-P	02-14-059	308- 56A-500	AMD-P	02-07-035
308- 13-050	AMD	02-07-047	308- 47-070	NEW-P	02-14-059	308- 56A-500	AMD-E	02-13-005
308- 13-100	AMD-P	02-04-113	308- 48-010	AMD-P	02-14-059	308- 56A-500	AMD-W	02-13-025
308- 13-100	AMD	02-07-047	308- 48-015	NEW-P	02-14-059	308- 56A-500	AMD-P	02-15-034
308- 13-150	PREP	02-08-033	308- 48-031	AMD-P	02-14-059	308- 56A-525	PREP	02-15-077
308- 13-150	AMD-P	02-12-077	308- 48-040	AMD-P	02-14-059	308- 56A-530	NEW-P	02-07-035
308- 13-150	AMD	02-16-018	308- 48-050	AMD-P	02-14-059	308- 56A-530	NEW-E	02-13-005
308- 14-085	AMD-P	02-08-074	308- 48-060	AMD-P	02-14-059	308- 56A-530	NEW-W	02-13-025
308- 14-085	AMD-W	02-11-057	308- 48-070	REP-P	02-14-059	308- 56A-530	NEW-P	02-15-034
308- 14-090	REP-P	02-08-074	308- 48-085	AMD-P	02-14-059	308- 56A-640	PREP	02-05-013
308- 14-090	REP-W	02-11-057	308- 48-100	REP-P	02-14-059	308- 56A-640	PREP	02-05-017
308- 14-100	AMD-P	02-08-074	308- 48-145	AMD-P	02-14-059	308- 61	PREP	02-12-095
308- 14-100	AMD-W	02-11-057	308- 48-180	AMD-P	02-14-059	308- 61-026	AMD-P	02-16-067
308- 14-120	AMD-P	02-08-074	308- 48-185	REP-P	02-14-059	308- 61-105	AMD-P	02-16-067
308- 14-120	AMD-W	02-11-057	308- 48-200	AMD-P	02-14-059	308- 61-108	AMD-P	02-16-067
308- 14-130	AMD-P	02-08-074	308- 48-210	AMD-P	02-14-059	308- 61-115	AMD-P	02-16-067
308- 14-130	AMD-W	02-11-057	308- 48-350	AMD-P	02-14-059	308- 61-125	AMD-P	02-16-067
308- 14-135	AMD-P	02-08-074	308- 48-520	AMD-P	02-14-059	308- 61-135	AMD-P	02-16-067
308- 14-135	AMD-W	02-11-057	308- 48-600	AMD-P	02-14-059	308- 61-145	AMD-P	02-16-067
308- 14-210	AMD-P	02-08-074	308- 48-700	REP-P	02-14-059	308- 61-158	AMD-P	02-16-067
308- 14-210	AMD-W	02-11-057	308- 48-710	REP-P	02-14-059	308- 61-168	AMD-P	02-16-067
308- 15-040	PREP	02-05-079	308- 48-720	REP-P	02-14-059	308- 61-175	AMD-P	02-16-067
308- 15-040	AMD-P	02-09-011	308- 48-730	REP-P	02-14-059	308- 61-190	AMD-P	02-16-067
308- 15-040	AMD-W	02-16-095	308- 48-740	REP-P	02-14-059	308- 63	PREP	02-13-012
308- 15-140	PREP	02-05-079	308- 48-750	REP-P	02-14-059	308- 63-090	AMD-E	02-13-005
308- 15-140	NEW-P	02-09-011	308- 48-760	REP-P	02-14-059	308- 63-090	AMD-P	02-16-057
308- 15-140	NEW-S	02-16-096	308- 48-770	REP-P	02-14-059	308- 66	PREP	02-04-059
308- 17-150	AMD-P	02-03-130	308- 49-150	AMD-P	02-14-059	308- 66	PREP	02-12-096
308- 17-150	AMD	02-11-098	308- 49-164	AMD-P	02-14-059	308- 66-110	AMD-P	02-09-057
308- 17-310	PREP	02-07-069	308- 49-170	AMD-P	02-14-059	308- 66-110	AMD	02-12-062
308- 17-320	PREP	02-07-069	308- 49-210	NEW-P	02-14-059	308- 66-120	AMD-P	02-09-057
308- 18-150	AMD-P	02-02-096	308- 56A	PREP	02-15-077	308- 66-120	AMD	02-12-062
308- 18-150	AMD	02-07-068	308- 56A-030	PREP	02-05-019	308- 90-040	AMD	02-05-073
308- 19-130	AMD-P	02-02-095	308- 56A-040	PREP	02-05-019	308- 90-070	AMD	02-05-073
308- 19-130	AMD	02-07-067	308- 56A-056	PREP	02-05-019	308- 90-080	AMD	02-05-073
308- 19-240	AMD-P	02-02-095	308- 56A-060	PREP	02-05-019	308- 90-090	AMD	02-05-073
308- 19-240	AMD	02-07-067	308- 56A-070	PREP	02-05-015	308- 90-100	AMD	02-05-073
308- 20-010	AMD	02-04-012	308- 56A-075	PREP	02-05-015	308- 90-110	AMD	02-05-073
308- 20-030	REP	02-04-012	308- 56A-110	PREP	02-05-019	308- 90-130	AMD	02-05-073
308- 20-040	AMD	02-04-012	308- 56A-115	PREP	02-05-019	308- 90-140	AMD	02-05-073
308- 20-045	REP	02-04-012	308- 56A-140	PREP	02-05-018	308- 90-150	AMD	02-05-073
308- 20-080	AMD	02-04-012	308- 56A-150	PREP	02-05-018	308- 90-160	AMD	02-05-073
308- 20-090	AMD	02-04-012	308- 56A-160	PREP	02-05-018	308- 91-030	PREP	02-12-124
308- 20-105	AMD	02-04-012	308- 56A-200	PREP	02-05-018	308- 91-040	PREP	02-12-124
308- 20-107	AMD	02-04-012	308- 56A-210	PREP	02-05-019	308- 91-050	PREP	02-12-124
308- 20-110	AMD	02-04-012	308- 56A-210	PREP	02-14-002	308- 91-060	PREP	02-12-124
308- 20-120	AMD	02-04-012	308- 56A-215	PREP	02-05-018	308- 91-080	PREP	02-12-124
308- 20-122	NEW	02-04-012	308- 56A-250	PREP	02-05-016	308- 91-090	PREP	02-12-124
308- 20-130	REP	02-04-012	308- 56A-265	PREP	02-05-016	308- 91-095	PREP	02-12-124
308- 20-150	REP	02-04-012	308- 56A-270	PREP	02-05-016	308- 91-120	PREP	02-12-124
308- 20-155	REP	02-04-012	308- 56A-275	PREP	02-05-016	308- 91-130	PREP	02-12-124
308- 20-171	REP	02-04-012	308- 56A-295	PREP	02-05-019	308- 91-140	PREP	02-12-124
308- 20-172	REP	02-04-012	308- 56A-300	PREP	02-05-014	308- 91-150	PREP	02-12-124
308- 20-210	AMD-P	02-04-088	308- 56A-305	PREP	02-05-014	308- 91-171	PREP	02-12-124
308- 20-210	AMD	02-09-040	308- 56A-310	PREP	02-05-014	308- 91-172	PREP	02-12-124
308- 20-310	REP	02-04-012	308- 56A-315	PREP	02-05-014	308- 93	PREP	02-11-097
308- 20-590	REP	02-04-012	308- 56A-320	PREP	02-05-014	308- 93	PREP	02-15-117
308- 47-010	NEW-P	02-14-059	308- 56A-325	PREP	02-05-014	308- 93-230	AMD	02-04-001
308- 47-020	NEW-P	02-14-059	308- 56A-330	PREP	02-05-014	308- 93-230	PREP	02-11-097
308- 47-030	NEW-P	02-14-059	308- 56A-460	PREP	02-08-005	308- 93-241	PREP	02-08-006

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308-93-244	PREP	02-08-006	308-96A-161	AMD	02-11-079	308-125-120	AMD	02-03-011
308-93-250	REP	02-04-001	308-96A-201	AMD-P	02-05-057	308-125-200	AMD	02-03-012
308-93-270	AMD	02-04-001	308-96A-201	AMD	02-10-013	308-127-160	AMD-P	02-12-082
308-93-275	NEW	02-04-001	308-96A-205	AMD-P	02-07-036	308-127-160	AMD	02-15-169
308-93-276	PREP	02-15-117	308-96A-205	AMD	02-11-095	308-129	PREP	02-16-059
308-93-280	AMD	02-04-001	308-96A-206	AMD-P	02-07-036	308-330-305	AMD	02-04-075
308-93-390	PREP	02-14-026	308-96A-206	AMD	02-11-095	308-330-307	AMD	02-04-075
308-93-520	AMD	02-05-059	308-96A-207	AMD-P	02-05-057	308-330-320	AMD	02-04-075
308-93-530	AMD	02-05-059	308-96A-207	AMD	02-10-013	308-330-464	AMD	02-04-075
308-93-540	AMD	02-05-059	308-96A-208	AMD-P	02-05-057	308-330-481	AMD	02-04-075
308-93-700	AMD	02-05-058	308-96A-208	AMD	02-10-013	308-330-705	AMD	02-04-075
308-93-710	AMD	02-05-058	308-96A-220	AMD-P	02-07-036	308-420-240	AMD-P	02-12-081
308-93-720	AMD	02-05-058	308-96A-220	AMD	02-11-095	308-420-240	AMD	02-15-168
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308-96A-056	AMD	02-16-071	308-103-040	NEW	02-11-011	314-11-030	AMD-P	02-04-110
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308-96A-057	AMD-P	02-12-078	308-103-060	NEW	02-11-011	314-11-035	AMD-P	02-04-110
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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388- 14A-4301	PREP	02-03-010	388- 15-097	NEW-P	02-03-118	388- 15-653	PREP	02-15-056
388- 14A-4302	PREP	02-03-010	388- 15-097	NEW	02-15-098	388- 15-653	PREP-W	02-15-058
388- 14A-4303	PREP	02-03-010	388- 15-101	NEW-P	02-03-118	388- 15-654	PREP	02-15-056
388- 14A-4304	PREP	02-03-010	388- 15-101	NEW	02-15-098	388- 15-654	PREP-W	02-15-058
388- 14A-5520	AMD-P	02-03-096	388- 15-105	NEW-P	02-03-118	388- 15-655	PREP	02-15-056
388- 14A-5520	AMD	02-06-098	388- 15-105	NEW	02-15-098	388- 15-655	PREP-W	02-15-058
388- 14A-5525	AMD-P	02-03-096	388- 15-109	NEW-P	02-03-118	388- 15-656	PREP	02-15-056
388- 14A-5525	AMD	02-06-098	388- 15-109	NEW	02-15-098	388- 15-656	PREP-W	02-15-058
388- 14A-5530	AMD-P	02-03-096	388- 15-113	NEW-P	02-03-118	388- 15-657	PREP	02-15-056
388- 14A-5530	AMD	02-06-098	388- 15-113	NEW	02-15-098	388- 15-657	PREP-W	02-15-058
388- 15	AMD-P	02-03-118	388- 15-117	NEW-P	02-03-118	388- 15-658	PREP	02-15-056
388- 15	AMD	02-15-098	388- 15-117	NEW	02-15-098	388- 15-658	PREP-W	02-15-058
388- 15-001	NEW-P	02-03-118	388- 15-121	NEW-P	02-03-118	388- 15-659	PREP	02-15-056
388- 15-001	NEW	02-15-098	388- 15-121	NEW	02-15-098	388- 15-659	PREP-W	02-15-058
388- 15-005	NEW-P	02-03-118	388- 15-125	NEW-P	02-03-118	388- 15-660	PREP	02-15-056
388- 15-005	NEW	02-15-098	388- 15-125	NEW	02-15-098	388- 15-660	PREP-W	02-15-058
388- 15-009	NEW-P	02-03-118	388- 15-129	NEW-P	02-03-118	388- 15-661	PREP	02-15-056
388- 15-009	NEW	02-15-098	388- 15-129	NEW	02-15-098	388- 15-661	PREP-W	02-15-058
388- 15-011	NEW-P	02-03-118	388- 15-130	REP-P	02-03-118	388- 15-662	PREP	02-15-056
388- 15-011	NEW	02-15-098	388- 15-130	REP	02-15-098	388- 15-662	PREP-W	02-15-058
388- 15-013	NEW-P	02-03-118	388- 15-131	REP-P	02-03-118	388- 15-880	PREP-W	02-05-064
388- 15-013	NEW	02-15-098	388- 15-131	REP	02-15-098	388- 15-890	PREP-W	02-05-064
388- 15-017	NEW-P	02-03-118	388- 15-132	REP-P	02-03-118	388- 27-0225	AMD-P	02-15-136
388- 15-017	NEW	02-15-098	388- 15-132	REP	02-15-098	388- 27-0375	AMD-P	02-15-136
388- 15-021	NEW-P	02-03-118	388- 15-133	NEW-P	02-03-118	388- 71	PREP	02-11-064
388- 15-021	NEW	02-15-098	388- 15-133	NEW	02-15-098	388- 71	PREP	02-15-056
388- 15-025	NEW-P	02-03-118	388- 15-134	REP-P	02-03-118	388- 71	PREP-W	02-15-058
388- 15-025	NEW	02-15-098	388- 15-134	REP	02-15-098	388- 71	AMD-P	02-16-080
388- 15-029	NEW-P	02-03-118	388- 15-135	NEW-P	02-03-118	388- 71-0194	NEW-P	02-16-080
388- 15-029	NEW	02-15-098	388- 15-135	NEW	02-15-098	388- 71-0202	NEW-P	02-16-080
388- 15-033	NEW-P	02-03-118	388- 15-141	NEW-P	02-03-118	388- 71-0203	NEW-P	02-16-080
388- 15-033	NEW	02-15-098	388- 15-141	NEW	02-15-098	388- 71-0205	NEW-P	02-16-080
388- 15-037	NEW-P	02-03-118	388- 15-194	PREP-W	02-05-066	388- 71-0410	PREP	02-04-096
388- 15-037	NEW	02-15-098	388- 15-194	REP-P	02-16-080	388- 71-0410	PREP-W	02-05-066
388- 15-041	NEW-P	02-03-118	388- 15-202	PREP	02-04-096	388- 71-0410	AMD-P	02-16-080
388- 15-041	NEW	02-15-098	388- 15-202	PREP-W	02-05-064	388- 71-0430	PREP	02-04-096
388- 15-045	NEW-P	02-03-118	388- 15-202	PREP-W	02-05-065	388- 71-0430	AMD-P	02-16-080
388- 15-045	NEW	02-15-098	388- 15-202	PREP-W	02-05-066	388- 71-0435	PREP	02-04-096
388- 15-049	NEW-P	02-03-118	388- 15-202	REP-P	02-16-080	388- 71-0435	AMD-P	02-16-080
388- 15-049	NEW	02-15-098	388- 15-203	PREP	02-04-096	388- 71-0440	PREP	02-04-096
388- 15-053	NEW-P	02-03-118	388- 15-203	PREP-W	02-05-065	388- 71-0440	PREP-W	02-05-066
388- 15-053	NEW	02-15-098	388- 15-203	PREP-W	02-05-066	388- 71-0445	PREP	02-04-096
388- 15-057	NEW-P	02-03-118	388- 15-203	REP-P	02-16-080	388- 71-0445	PREP-W	02-05-066
388- 15-057	NEW	02-15-098	388- 15-204	PREP	02-04-096	388- 71-0445	AMD-P	02-16-080
388- 15-061	NEW-P	02-03-118	388- 15-204	PREP-W	02-05-066	388- 71-0450	PREP	02-04-096
388- 15-061	NEW	02-15-098	388- 15-204	REP-P	02-16-080	388- 71-0450	AMD-P	02-16-080
388- 15-065	NEW-P	02-03-118	388- 15-205	PREP-W	02-05-065	388- 71-0500	PREP	02-04-096
388- 15-065	NEW	02-15-098	388- 15-205	PREP-W	02-05-066	388- 71-0500	AMD	02-10-117
388- 15-069	NEW-P	02-03-118	388- 15-205	REP-P	02-16-080	388- 71-0500	AMD-P	02-16-080
388- 15-069	NEW	02-15-098	388- 15-207	PREP-W	02-05-064	388- 71-0515	PREP	02-04-096
388- 15-073	NEW-P	02-03-118	388- 15-214	PREP-W	02-05-064	388- 71-0515	AMD-P	02-16-080
388- 15-073	NEW	02-15-098	388- 15-215	PREP-W	02-05-064	388- 71-0520	AMD	02-10-117
388- 15-077	NEW-P	02-03-118	388- 15-219	PREP-W	02-05-064	388- 71-0525	REP	02-10-117
388- 15-077	NEW	02-15-098	388- 15-600	PREP-W	02-05-064	388- 71-0530	REP	02-10-117
388- 15-081	NEW-P	02-03-118	388- 15-620	PREP-W	02-05-064	388- 71-0535	REP	02-10-117
388- 15-081	NEW	02-15-098	388- 15-630	PREP-W	02-05-064	388- 71-0540	AMD	02-10-117
388- 15-085	NEW-P	02-03-118	388- 15-650	PREP	02-15-056	388- 71-05910	NEW	02-10-117
388- 15-085	NEW	02-15-098	388- 15-650	PREP-W	02-15-058	388- 71-05911	NEW	02-10-117
388- 15-089	NEW-P	02-03-118	388- 15-651	PREP	02-15-056	388- 71-05912	NEW	02-10-117
388- 15-089	NEW	02-15-098	388- 15-651	PREP-W	02-15-058	388- 71-05913	NEW	02-10-117
388- 15-093	NEW-P	02-03-118	388- 15-652	PREP	02-15-056	388- 71-05914	NEW	02-10-117
388- 15-093	NEW	02-15-098	388- 15-652	PREP-W	02-15-058	388- 71-05915	NEW	02-10-117

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388- 71-05916	NEW	02-10-117	388- 76-64010	NEW-P	02-03-117	388- 97-204	NEW	02-14-063
388- 71-05917	NEW	02-10-117	388- 76-64010	NEW-S	02-14-161	388- 97-205	AMD-P	02-07-116
388- 71-05918	NEW	02-10-117	388- 76-64015	NEW-P	02-03-117	388- 97-205	AMD	02-14-063
388- 71-05919	NEW	02-10-117	388- 76-64015	NEW-S	02-14-161	388- 97-260	AMD-P	02-07-116
388- 71-05920	NEW	02-10-117	388- 76-64020	NEW-P	02-03-117	388- 97-260	AMD	02-14-063
388- 71-05921	NEW	02-10-117	388- 76-64020	NEW-S	02-14-161	388- 97-285	AMD-P	02-07-116
388- 71-05922	NEW	02-10-117	388- 76-64025	NEW-P	02-03-117	388- 97-285	AMD	02-14-063
388- 71-05923	NEW	02-10-117	388- 76-64025	NEW-S	02-14-161	388- 97-35040	AMD-P	02-07-116
388- 71-05924	NEW	02-10-117	388- 76-64030	NEW-P	02-03-117	388- 97-35040	AMD	02-14-063
388- 71-05925	NEW	02-10-117	388- 76-64030	NEW-S	02-14-161	388- 97-550	PREP	02-11-126
388- 71-05926	NEW	02-10-117	388- 76-64035	NEW-P	02-03-117	388- 97-550	AMD-E	02-14-082
388- 71-05927	NEW	02-10-117	388- 76-64035	NEW-S	02-14-161	388- 97-555	PREP	02-11-126
388- 71-05928	NEW	02-10-117	388- 76-64040	NEW-S	02-14-161	388- 97-555	AMD-E	02-14-082
388- 71-05929	NEW	02-10-117	388- 76-64045	NEW-S	02-14-161	388- 97-565	AMD-P	02-07-116
388- 71-05930	NEW	02-10-117	388- 76-64050	NEW-S	02-14-161	388- 97-565	AMD	02-14-063
388- 71-05931	NEW	02-10-117	388- 76-64055	NEW-S	02-14-161	388- 97-570	AMD-P	02-07-116
388- 71-05932	NEW	02-10-117	388- 76-655	AMD-S	02-11-032	388- 97-570	PREP	02-11-066
388- 71-05933	NEW	02-10-117	388- 76-655	AMD	02-15-065	388- 97-570	AMD	02-14-063
388- 71-05934	NEW	02-10-117	388- 76-660	AMD-S	02-11-032	388- 97-575	AMD-P	02-07-116
388- 71-05935	NEW	02-10-117	388- 76-660	AMD	02-15-065	388- 97-575	AMD	02-14-063
388- 71-05936	NEW	02-10-117	388- 76-710	AMD-P	02-03-117	388- 97-580	AMD-P	02-07-116
388- 71-05937	NEW	02-10-117	388- 76-710	AMD	02-15-081	388- 97-580	AMD	02-14-063
388- 71-05938	NEW	02-10-117	388- 76-765	REP-P	02-15-135	388- 97-585	AMD-P	02-07-116
388- 71-05939	NEW	02-10-117	388- 76-76505	NEW-P	02-15-135	388- 97-585	AMD	02-14-063
388- 71-05940	NEW	02-10-117	388- 76-76510	NEW-P	02-15-135	388- 97-595	AMD-P	02-07-116
388- 71-05941	NEW	02-10-117	388- 76-76515	NEW-P	02-15-135	388- 97-595	AMD	02-14-063
388- 71-05942	NEW	02-10-117	388- 76-76520	NEW-P	02-15-135	388- 97-605	NEW-P	02-07-116
388- 71-05943	NEW	02-10-117	388- 78A-050	AMD-S	02-11-031	388- 97-605	NEW	02-14-063
388- 71-05944	NEW	02-10-117	388- 78A-050	AMD	02-15-066	388- 97-610	NEW-P	02-07-116
388- 71-05945	NEW	02-10-117	388- 78A-060	AMD-W	02-11-059	388- 97-610	NEW	02-14-063
388- 71-05946	NEW	02-10-117	388- 78A-265	PREP	02-09-047	388- 97-615	NEW-P	02-07-116
388- 71-05947	NEW	02-10-117	388- 78A-265	AMD-P	02-14-062	388- 97-615	NEW	02-14-063
388- 71-05948	NEW	02-10-117	388- 79-010	AMD-P	02-11-067	388- 97-620	NEW-P	02-07-116
388- 71-05949	NEW-S	02-11-129	388- 79-020	AMD-P	02-11-067	388- 97-620	NEW	02-14-063
388- 71-05949	NEW	02-15-064	388- 79-030	AMD-P	02-11-067	388- 97-625	NEW-P	02-07-116
388- 71-05950	NEW	02-10-117	388- 79-040	AMD-P	02-11-067	388- 97-625	NEW	02-14-063
388- 71-05951	NEW	02-10-117	388- 96-713	AMD-E	02-04-011	388- 97-630	NEW-P	02-07-116
388- 71-05952	NEW	02-10-117	388- 96-901	AMD-E	02-04-011	388- 97-630	NEW	02-14-063
388- 71-05953	NEW-W	02-10-036	388- 97	PREP	02-11-066	388- 97-635	NEW-P	02-07-116
388- 71-0600	PREP	02-04-096	388- 97-005	AMD-P	02-07-116	388- 97-635	NEW	02-14-063
388- 71-0600	AMD-P	02-16-080	388- 97-005	AMD	02-14-063	388- 97-640	NEW-P	02-07-116
388- 71-0820	PREP	02-04-096	388- 97-043	AMD-P	02-07-116	388- 97-640	NEW	02-14-063
388- 71-0820	AMD-P	02-12-067	388- 97-043	AMD	02-14-063	388- 97-645	NEW-P	02-07-116
388- 71-0820	AMD	02-15-138	388- 97-07005	AMD-P	02-07-116	388- 97-645	NEW	02-14-063
388- 76-535	AMD-P	02-03-117	388- 97-07005	AMD	02-14-063	388- 97-650	NEW-P	02-07-116
388- 76-535	AMD	02-15-081	388- 97-07040	AMD-P	02-07-116	388- 97-650	NEW	02-14-063
388- 76-540	PREP	02-04-096	388- 97-07040	AMD	02-14-063	388- 97-655	NEW-P	02-07-116
388- 76-540	AMD-P	02-16-080	388- 97-07050	AMD-P	02-07-116	388- 97-655	NEW	02-14-063
388- 76-570	AMD-S	02-11-032	388- 97-07050	AMD	02-14-063	388- 97-660	NEW-P	02-07-116
388- 76-570	AMD	02-15-065	388- 97-076	AMD-P	02-07-116	388- 97-660	NEW	02-14-063
388- 76-59100	REP-S	02-11-032	388- 97-076	AMD	02-14-063	388- 97-665	NEW-P	02-07-116
388- 76-59100	REP	02-15-065	388- 97-160	AMD-P	02-07-116	388- 97-665	NEW	02-14-063
388- 76-59110	REP-S	02-11-032	388- 97-160	AMD	02-14-063	388- 97-670	NEW-P	02-07-116
388- 76-59110	REP	02-15-065	388- 97-162	AMD-P	02-07-116	388- 97-670	NEW	02-14-063
388- 76-59120	REP-S	02-11-032	388- 97-162	AMD	02-14-063	388- 97-675	NEW-P	02-07-116
388- 76-59120	REP	02-15-065	388- 97-180	AMD-P	02-07-116	388- 97-675	NEW	02-14-063
388- 76-61510	AMD-P	02-03-117	388- 97-180	AMD	02-14-063	388- 97-680	NEW-P	02-07-116
388- 76-61510	AMD	02-15-081	388- 97-202	AMD-P	02-07-116	388- 97-680	NEW	02-14-063
388- 76-640	REP-P	02-03-117	388- 97-202	AMD	02-14-063	388- 97-685	NEW-P	02-07-116
388- 76-640	REP-S	02-14-161	388- 97-203	NEW-P	02-07-116	388- 97-685	NEW	02-14-063
388- 76-64005	NEW-P	02-03-117	388- 97-203	NEW	02-14-063	388- 97-690	NEW-P	02-07-116
388- 76-64005	NEW-S	02-14-161	388- 97-204	NEW-P	02-07-116	388- 97-690	NEW	02-14-063

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-97-695	NEW-P	02-07-116	388-112-0035	NEW	02-15-065	388-112-0190	NEW	02-15-065
388-97-695	NEW	02-14-063	388-112-0040	NEW-S	02-11-032	388-112-0195	NEW-S	02-11-032
388-98-001	REP-P	02-07-116	388-112-0040	NEW	02-15-065	388-112-0195	NEW	02-15-065
388-98-001	REP	02-14-063	388-112-0045	NEW-S	02-11-032	388-112-0200	NEW-S	02-11-031
388-98-003	REP-P	02-07-116	388-112-0045	NEW	02-15-065	388-112-0200	NEW	02-15-066
388-98-003	REP	02-14-063	388-112-0050	NEW-S	02-11-032	388-112-0205	NEW-S	02-11-031
388-98-010	REP-P	02-07-116	388-112-0050	NEW	02-15-065	388-112-0205	NEW	02-15-066
388-98-010	REP	02-14-063	388-112-0055	NEW-S	02-11-032	388-112-0210	NEW-S	02-11-031
388-98-015	REP-P	02-07-116	388-112-0055	NEW	02-15-065	388-112-0210	NEW	02-15-066
388-98-015	REP	02-14-063	388-112-0060	NEW-S	02-11-032	388-112-0215	NEW-S	02-11-031
388-98-020	REP-P	02-07-116	388-112-0060	NEW	02-15-065	388-112-0215	NEW	02-15-066
388-98-020	REP	02-14-063	388-112-0065	NEW-S	02-11-032	388-112-0220	NEW-S	02-11-031
388-98-300	REP-P	02-07-116	388-112-0065	NEW	02-15-065	388-112-0220	NEW	02-15-066
388-98-300	REP	02-14-063	388-112-0070	NEW-S	02-11-032	388-112-0225	NEW-S	02-11-031
388-98-320	REP-P	02-07-116	388-112-0070	NEW	02-15-065	388-112-0225	NEW	02-15-066
388-98-320	REP	02-14-063	388-112-0075	NEW-S	02-11-032	388-112-0230	NEW-S	02-11-031
388-98-330	REP-P	02-07-116	388-112-0075	NEW	02-15-065	388-112-0230	NEW	02-15-066
388-98-330	REP	02-14-063	388-112-0080	NEW-S	02-11-032	388-112-0235	NEW-S	02-11-031
388-98-340	REP-P	02-07-116	388-112-0080	NEW	02-15-065	388-112-0235	NEW	02-15-066
388-98-340	REP	02-14-063	388-112-0085	NEW-S	02-11-032	388-112-0240	NEW-S	02-11-031
388-98-700	REP-P	02-07-116	388-112-0085	NEW	02-15-065	388-112-0240	NEW	02-15-066
388-98-700	REP	02-14-063	388-112-0090	NEW-S	02-11-032	388-112-0245	NEW-S	02-11-031
388-98-750	REP-P	02-07-116	388-112-0090	NEW	02-15-065	388-112-0245	NEW	02-15-066
388-98-750	REP	02-14-063	388-112-0095	NEW-S	02-11-032	388-112-0250	NEW-S	02-11-031
388-98-810	REP-P	02-07-116	388-112-0095	NEW	02-15-065	388-112-0250	NEW	02-15-066
388-98-810	REP	02-14-063	388-112-0100	NEW-S	02-11-032	388-112-0255	NEW-S	02-11-031
388-98-830	REP-P	02-07-116	388-112-0100	NEW	02-15-065	388-112-0255	NEW	02-15-066
388-98-830	REP	02-14-063	388-112-0105	NEW-S	02-11-032	388-112-0260	NEW-S	02-11-031
388-98-870	REP-P	02-07-116	388-112-0105	NEW	02-15-065	388-112-0260	NEW	02-15-066
388-98-870	REP	02-14-063	388-112-0110	NEW-S	02-11-032	388-112-0265	NEW-S	02-11-031
388-98-890	REP-P	02-07-116	388-112-0110	NEW	02-15-065	388-112-0265	NEW	02-15-066
388-98-890	REP	02-14-063	388-112-0115	NEW-S	02-11-032	388-112-0270	NEW-S	02-11-031
388-105	AMD-E	02-14-081	388-112-0115	NEW	02-15-065	388-112-0270	NEW	02-15-066
388-105	PREP	02-14-099	388-112-0120	NEW-S	02-11-032	388-112-0275	NEW-S	02-11-031
388-105-0005	AMD-E	02-14-081	388-112-0120	NEW	02-15-065	388-112-0275	NEW	02-15-066
388-105-0030	NEW-E	02-14-081	388-112-0125	NEW-S	02-11-032	388-112-0280	NEW-S	02-11-031
388-105-0035	NEW-E	02-14-081	388-112-0125	NEW	02-15-065	388-112-0280	NEW	02-15-066
388-105-0040	NEW-E	02-14-081	388-112-0130	NEW-S	02-11-032	388-112-0285	NEW-S	02-11-031
388-110-020	PREP	02-04-096	388-112-0130	NEW	02-15-065	388-112-0285	NEW	02-15-066
388-110-020	AMD-P	02-16-080	388-112-0135	NEW-S	02-11-032	388-112-0290	NEW-S	02-11-031
388-110-110	REP-S	02-11-032	388-112-0135	NEW	02-15-065	388-112-0290	NEW	02-15-066
388-110-110	REP	02-15-065	388-112-0140	NEW-S	02-11-032	388-112-0295	NEW-S	02-11-031
388-110-210	PREP	02-04-096	388-112-0140	NEW	02-15-065	388-112-0295	NEW	02-15-066
388-110-210	REP-P	02-16-080	388-112-0145	NEW-S	02-11-032	388-112-0300	NEW-S	02-11-031
388-110-230	PREP	02-04-096	388-112-0145	NEW	02-15-065	388-112-0300	NEW	02-15-066
388-110-230	REP-P	02-16-080	388-112-0150	NEW-S	02-11-032	388-112-0305	NEW-S	02-11-031
388-110-250	REP-P	02-16-080	388-112-0150	NEW	02-15-065	388-112-0305	NEW	02-15-066
388-112-0001	NEW-S	02-11-032	388-112-0155	NEW-S	02-11-032	388-112-0310	NEW-S	02-11-031
388-112-0001	NEW	02-15-065	388-112-0155	NEW	02-15-065	388-112-0310	NEW	02-15-066
388-112-0005	NEW-S	02-11-032	388-112-0160	NEW-S	02-11-032	388-112-0315	NEW-S	02-11-031
388-112-0005	NEW	02-15-065	388-112-0160	NEW	02-15-065	388-112-0315	NEW	02-15-066
388-112-0010	NEW-S	02-11-032	388-112-0165	NEW-S	02-11-032	388-112-0320	NEW-S	02-11-031
388-112-0010	NEW	02-15-065	388-112-0165	NEW	02-15-065	388-112-0320	NEW	02-15-066
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388-112-0015	NEW	02-15-065	388-112-0170	NEW	02-15-065	388-112-0325	NEW	02-15-066
388-112-0020	NEW-S	02-11-032	388-112-0175	NEW-S	02-11-032	388-112-0330	NEW-S	02-11-031
388-112-0020	NEW	02-15-065	388-112-0175	NEW	02-15-065	388-112-0330	NEW	02-15-066
388-112-0025	NEW-S	02-11-032	388-112-0180	NEW-S	02-11-032	388-112-0335	NEW-S	02-11-031
388-112-0025	NEW	02-15-065	388-112-0180	NEW	02-15-065	388-112-0335	NEW	02-15-066
388-112-0030	NEW-S	02-11-032	388-112-0185	NEW-S	02-11-032	388-112-0340	NEW-S	02-11-031
388-112-0030	NEW	02-15-065	388-112-0185	NEW	02-15-065	388-112-0340	NEW	02-15-066
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388-112-0350	NEW	02-15-066	388-148-0560	AMD-E	02-14-042	388-148-1235	NEW-E	02-15-137
388-112-0355	NEW-S	02-11-031	388-148-0585	PREP	02-06-083	388-148-1240	NEW-E	02-08-031
388-112-0355	NEW	02-15-066	388-148-0585	AMD-E	02-14-042	388-148-1240	NEW-E	02-15-137
388-112-0360	NEW-S	02-11-031	388-148-0630	PREP	02-06-083	388-148-1245	NEW-E	02-08-031
388-112-0360	NEW	02-15-066	388-148-0630	AMD-E	02-14-042	388-148-1245	NEW-E	02-15-137
388-112-0365	NEW-S	02-11-031	388-148-0700	PREP	02-06-083	388-148-1250	NEW-E	02-08-031
388-112-0365	NEW	02-15-066	388-148-0700	AMD-E	02-14-042	388-148-1250	NEW-E	02-15-137
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388-112-0370	NEW	02-15-066	388-148-0720	AMD-E	02-14-042	388-148-1255	NEW-E	02-15-137
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388-112-0375	NEW	02-15-066	388-148-0722	NEW-E	02-14-042	388-148-1260	NEW-E	02-15-137
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388-112-0380	NEW	02-15-066	388-148-0725	AMD-E	02-14-042	388-148-1265	NEW-E	02-15-137
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388-112-0395	NEW	02-15-066	388-148-0892	NEW-E	02-14-042	388-148-1280	NEW-E	02-15-137
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388-148-0045	AMD-E	02-14-042	388-148-1077	NEW-E	02-14-042	388-150-010	AMD	02-16-062
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388-148-0260	AMD-E	02-14-042	388-148-1175	NEW-E	02-14-042	388-155-010	AMD	02-16-062
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388-265-1300	REP	02-14-083	388-290-0130	AMD	02-12-069	388-310-0600	AMD	02-04-058
388-265-1375	REP-P	02-11-131	388-290-0135	PREP	02-04-097	388-310-0600	AMD-P	02-09-076
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391- 25-416	NEW-E	02-13-109	392-140-904	NEW	02-09-024	415-103	PREP	02-06-092
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415-104-0112	PREP	02-06-041	415-108-491	AMD	02-03-120	415-111-410	NEW	02-03-120
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415-104-0118	PREP	02-06-041	415-108-980	NEW	02-03-120	415-112-0156	PREP	02-06-041
415-104-0118	REP-P	02-15-153	415-108-980	AMD-P	02-09-056	415-112-0156	REP-P	02-15-153
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415-104-0120	PREP	02-06-041	415-110-010	PREP	02-05-025	415-112-0157	PREP	02-06-041
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415-104-0121	REP-P	02-15-153	415-110-0102	PREP	02-06-041	415-112-0158	REP-P	02-15-153
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415-104-0125	PREP	02-06-041	415-110-0104	PREP	02-05-025	415-112-0160	PREP	02-06-041
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415-113-030	AMD-P	02-15-153	434-215-090	NEW-E	02-14-088	434-238-060	RECOD	02-09-007
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415-113-0301	REP-P	02-15-153	434-215-110	NEW-P	02-11-133	434-238-080	RECOD	02-09-007
415-113-0302	PREP	02-06-041	434-215-110	NEW-E	02-14-088	434-238-090	RECOD	02-09-007
415-113-0302	REP-P	02-15-153	434-215-110	NEW	02-15-156	434-238-100	RECOD	02-09-007
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415-113-0303	PREP	02-06-041	434-228-012	DECOD	02-09-007	434-238-120	RECOD	02-09-007
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415-113-0309	REP-P	02-15-153	434-236-030	DECOD	02-09-007	434-240-027	NEW-P	02-03-133
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415-113-200	AMD	02-03-120	434-236-090	DECOD	02-09-007	434-240-200	AMD-P	02-03-134
415-200-030	AMD	02-03-120	434-236-100	AMD-P	02-03-133	434-240-200	AMD	02-07-029
415-501-305	REP-W	02-11-028	434-236-100	AMD	02-07-028	434-240-205	AMD-P	02-03-133
415-501-495	AMD-P	02-09-055	434-236-100	DECOD	02-09-007	434-240-205	AMD	02-07-028
415-501-495	AMD	02-12-084	434-236-110	AMD-P	02-03-133	434-240-230	AMD-P	02-03-133
420-12-060	AMD	02-05-050	434-236-110	AMD	02-07-028	434-240-230	AMD	02-07-028
434-208-060	AMD-P	02-11-133	434-236-110	DECOD	02-09-007	434-240-235	AMD-P	02-03-133
434-208-060	AMD-E	02-14-088	434-236-120	DECOD	02-09-007	434-240-235	AMD	02-07-028
434-208-060	AMD	02-15-156	434-236-140	AMD-P	02-03-133	434-240-240	AMD-P	02-03-134
434-215-005	RECOD	02-09-007	434-236-140	AMD	02-07-028	434-240-240	AMD	02-07-029
434-215-012	RECOD	02-09-007	434-236-140	DECOD	02-09-007	434-240-250	AMD-P	02-03-133
434-215-012	AMD-P	02-11-133	434-236-160	DECOD	02-09-007	434-240-250	AMD	02-07-028
434-215-012	AMD-E	02-14-088	434-236-170	DECOD	02-09-007	434-240-320	AMD-P	02-03-133
434-215-012	AMD	02-15-156	434-236-180	AMD-P	02-03-133	434-240-320	AMD	02-07-028
434-215-020	RECOD	02-09-007	434-236-180	AMD	02-07-028	434-253-043	NEW-P	02-03-134
434-215-050	RECOD	02-09-007	434-236-180	DECOD	02-09-007	434-253-043	NEW	02-07-029

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434-253-045	NEW	02-07-029	434-334-050	DECOD	02-09-007	458- 19-035	AMD-P	02-16-055
434-253-047	NEW-P	02-03-134	434-334-055	DECOD	02-09-007	458- 19-040	PREP	02-10-110
434-253-047	NEW	02-07-029	434-334-060	DECOD	02-09-007	458- 19-040	AMD-P	02-16-055
434-253-049	NEW-P	02-03-134	434-334-063	DECOD	02-09-007	458- 19-045	PREP	02-10-110
434-253-049	NEW	02-07-029	434-334-065	DECOD	02-09-007	458- 19-045	AMD-P	02-16-055
434-261-005	AMD-P	02-03-134	434-334-070	DECOD	02-09-007	458- 19-050	PREP	02-10-110
434-261-005	AMD	02-07-029	434-334-075	DECOD	02-09-007	458- 19-050	AMD-P	02-16-055
434-261-070	AMD-P	02-03-134	434-334-082	DECOD	02-09-007	458- 19-055	PREP	02-10-110
434-261-070	AMD	02-07-029	434-334-085	DECOD	02-09-007	458- 19-055	AMD-P	02-16-055
434-261-075	NEW-P	02-03-134	434-334-090	DECOD	02-09-007	458- 19-060	PREP	02-10-110
434-261-075	NEW	02-07-029	434-334-095	DECOD	02-09-007	458- 19-060	AMD-P	02-16-055
434-261-085	NEW-P	02-03-134	434-334-100	DECOD	02-09-007	458- 19-065	PREP	02-10-110
434-261-085	NEW	02-07-029	434-334-105	DECOD	02-09-007	458- 19-065	AMD-P	02-16-055
434-262-020	AMD-P	02-03-133	434-334-110	DECOD	02-09-007	458- 19-070	PREP	02-10-110
434-262-020	AMD	02-07-028	434-334-120	DECOD	02-09-007	458- 19-070	AMD-P	02-16-055
434-262-150	AMD-P	02-03-134	434-334-125	DECOD	02-09-007	458- 19-075	PREP	02-10-110
434-262-150	AMD	02-07-029	434-334-127	DECOD	02-09-007	458- 19-075	AMD-P	02-16-055
434-332-010	REP-X	02-09-008	434-334-130	DECOD	02-09-007	458- 19-080	PREP	02-10-110
434-332-010	REP	02-13-097	434-334-135	DECOD	02-09-007	458- 19-080	AMD-P	02-16-055
434-333-010	RECOD	02-09-007	434-334-140	DECOD	02-09-007	458- 19-085	PREP	02-10-110
434-333-015	RECOD	02-09-007	434-334-145	DECOD	02-09-007	458- 19-085	NEW-P	02-16-055
434-333-020	RECOD	02-09-007	434-334-150	DECOD	02-09-007	458- 19-550	PREP	02-10-110
434-333-025	RECOD	02-09-007	434-334-155	DECOD	02-09-007	458- 19-550	AMD-P	02-16-055
434-333-030	RECOD	02-09-007	434-334-160	DECOD	02-09-007	458- 20-122	PREP	02-11-123
434-333-035	RECOD	02-09-007	434-334-165	DECOD	02-09-007	458- 20-135	PREP	02-11-148
434-333-040	RECOD	02-09-007	434-334-170	DECOD	02-09-007	458- 20-141	PREP	02-15-185
434-333-045	RECOD	02-09-007	434-334-175	DECOD	02-09-007	458- 20-151	PREP	02-04-054
434-333-050	RECOD	02-09-007	456- 09-950	AMD-P	02-09-029	458- 20-151	AMD-P	02-16-015
434-333-055	RECOD	02-09-007	456- 09-950	AMD	02-14-034	458- 20-17803	NEW-E	02-12-063
434-333-060	RECOD	02-09-007	456- 10-750	AMD-P	02-09-029	458- 20-17803	PREP	02-15-184
434-333-063	RECOD	02-09-007	456- 10-750	AMD	02-14-034	458- 20-185	PREP	02-13-081
434-333-065	RECOD	02-09-007	458- 12-090	REP-P	02-09-020	458- 20-185	AMD-E	02-13-082
434-333-070	RECOD	02-09-007	458- 12-090	REP-S	02-14-056	458- 20-192	AMD-X	02-10-033
434-333-075	RECOD	02-09-007	458- 12-135	REP-X	02-09-018	458- 20-192	AMD	02-14-133
434-333-082	RECOD	02-09-007	458- 12-135	REP	02-14-011	458- 20-208	PREP	02-09-068
434-333-085	RECOD	02-09-007	458- 12-140	AMD-P	02-09-019	458- 20-209	PREP	02-11-123
434-333-090	RECOD	02-09-007	458- 12-140	AMD	02-14-011	458- 20-210	PREP	02-11-123
434-333-095	RECOD	02-09-007	458- 12-270	REP-P	02-09-020	458- 20-217	AMD-X	02-11-044
434-333-100	RECOD	02-09-007	458- 12-270	REP-S	02-14-056	458- 20-217	AMD	02-15-158
434-333-105	RECOD	02-09-007	458- 12-275	REP-P	02-09-020	458- 20-24003	PREP	02-15-078
434-333-110	RECOD	02-09-007	458- 12-275	REP-S	02-14-056	458- 20-252	PREP	02-06-030
434-333-120	RECOD	02-09-007	458- 12-280	REP-P	02-09-020	458- 20-260	AMD-W	02-02-088
434-333-125	RECOD	02-09-007	458- 12-280	REP-S	02-14-056	458- 20-260	AMD-P	02-06-032
434-333-127	RECOD	02-09-007	458- 16-115	AMD-P	02-09-020	458- 20-260	AMD	02-16-016
434-333-130	RECOD	02-09-007	458- 16-115	AMD-S	02-14-056	458- 20-265	PREP	02-06-030
434-333-135	RECOD	02-09-007	458- 16-560	PREP	02-07-077	458- 29A-400	PREP	02-08-067
434-333-140	RECOD	02-09-007	458- 16-560	NEW-P	02-11-051	458- 29A-400	AMD-P	02-13-106
434-333-145	RECOD	02-09-007	458- 16-560	NEW	02-15-020	458- 30-200	AMD-X	02-15-107
434-333-150	RECOD	02-09-007	458- 18-220	AMD	02-03-039	458- 30-210	AMD-X	02-15-107
434-333-155	RECOD	02-09-007	458- 19-005	PREP	02-10-110	458- 30-232	AMD-X	02-15-107
434-333-160	RECOD	02-09-007	458- 19-005	AMD-P	02-16-055	458- 30-262	AMD	02-03-040
434-333-165	RECOD	02-09-007	458- 19-010	PREP	02-10-110	458- 30-275	AMD-X	02-15-107
434-333-170	RECOD	02-09-007	458- 19-010	AMD-P	02-16-055	458- 30-325	AMD-X	02-15-107
434-333-175	RECOD	02-09-007	458- 19-015	PREP	02-10-110	458- 30-500	AMD-X	02-15-107
434-334-010	DECOD	02-09-007	458- 19-015	REP-P	02-16-055	458- 30-590	AMD	02-03-041
434-334-015	DECOD	02-09-007	458- 19-020	PREP	02-10-110	458- 30-700	NEW	02-05-043
434-334-020	DECOD	02-09-007	458- 19-020	AMD-P	02-16-055	458- 30-700	AMD-X	02-15-107
434-334-025	DECOD	02-09-007	458- 19-025	PREP	02-10-110	458- 40-610	PREP	02-08-068
434-334-030	DECOD	02-09-007	458- 19-025	AMD-P	02-16-055	458- 40-610	AMD-P	02-15-079
434-334-035	DECOD	02-09-007	458- 19-030	PREP	02-10-110	458- 40-660	PREP	02-06-031
434-334-040	DECOD	02-09-007	458- 19-030	AMD-P	02-16-055	458- 40-660	AMD-P	02-10-136

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458- 53-030	PREP	02-06-108	468-300-010	AMD	02-09-010	478-117-100	NEW	02-08-023
458- 53-030	AMD-P	02-10-032	468-300-020	AMD-P	02-05-062	478-117-110	NEW-P	02-03-085
458- 53-030	AMD	02-14-031	468-300-020	AMD	02-09-010	478-117-110	NEW-E	02-04-087
458- 53-050	PREP	02-06-108	468-300-040	AMD-P	02-05-062	478-117-110	NEW	02-08-023
458- 53-050	AMD-P	02-10-032	468-300-040	AMD	02-09-010	478-117-200	NEW-P	02-03-085
458- 53-050	AMD	02-14-031	468-300-220	AMD-P	02-05-062	478-117-200	NEW-E	02-04-087
458- 53-090	PREP	02-06-108	468-300-220	AMD	02-09-010	478-117-200	NEW	02-08-023
458- 53-090	REP-P	02-10-032	468-550	PREP	02-06-004	478-117-210	NEW-P	02-03-085
458- 53-090	REP	02-14-031	468-550-030	AMD-P	02-10-020	478-117-210	NEW-E	02-04-087
458- 53-140	PREP	02-06-108	468-550-030	AMD	02-13-004	478-117-210	NEW	02-08-023
458- 53-140	AMD-P	02-10-032	468-550-040	AMD-P	02-10-020	478-117-220	NEW-P	02-03-085
458- 53-140	AMD	02-14-031	468-550-040	AMD	02-13-004	478-117-220	NEW-E	02-04-087
458- 57-005	PREP	02-12-122	468-550-050	AMD-P	02-10-020	478-117-220	NEW	02-08-023
458- 57-005	AMD-P	02-15-142	468-550-060	AMD-P	02-10-020	478-117-230	NEW-P	02-03-085
458- 57-015	PREP	02-12-122	468-550-060	AMD	02-13-004	478-117-230	NEW-E	02-04-087
458- 57-015	AMD-P	02-15-142	468-550-070	AMD-P	02-10-020	478-117-230	NEW	02-08-023
458- 57-017	PREP	02-12-122	468-550-070	AMD	02-13-004	478-117-240	NEW-P	02-03-085
458- 57-017	NEW-P	02-15-142	468-550-080	AMD-P	02-10-020	478-117-240	NEW-E	02-04-087
458- 57-025	PREP	02-12-122	468-550-080	AMD	02-13-004	478-117-240	NEW	02-08-023
458- 57-025	AMD-P	02-15-142	478-108-010	AMD-P	02-03-085	478-117-250	NEW-P	02-03-085
458- 57-035	PREP	02-12-122	478-108-010	AMD-E	02-04-087	478-117-250	NEW-E	02-04-087
458- 57-035	AMD-P	02-15-142	478-108-010	AMD-E	02-06-042	478-117-250	NEW	02-08-023
458- 57-045	PREP	02-12-122	478-108-010	AMD	02-08-023	478-117-260	NEW-P	02-03-085
458- 57-045	AMD-P	02-15-142	478-108-010	AMD-P	02-08-066	478-117-260	NEW-E	02-04-087
460- 10A-215	NEW-P	02-13-050	478-108-010	AMD-C	02-13-066	478-117-260	NEW	02-08-023
460- 12A-010	NEW-P	02-07-027	478-108-010	AMD	02-15-174	478-117-270	NEW-P	02-03-085
460- 12A-010	NEW	02-10-103	478-116-131	PREP	02-06-045	478-117-270	NEW-E	02-04-087
460- 16A-205	PREP	02-15-069	478-116-131	AMD-P	02-10-080	478-117-270	NEW	02-08-023
460- 21B-060	AMD-X	02-14-057	478-116-131	AMD-E	02-11-045	478-117-280	NEW-P	02-03-085
460- 22B-090	AMD-X	02-14-057	478-116-131	AMD-C	02-15-012	478-117-280	NEW-E	02-04-087
460- 24A-145	AMD-X	02-14-057	478-117-005	NEW-P	02-03-085	478-117-280	NEW	02-08-023
461- 08-320	AMD	02-06-008	478-117-005	NEW-E	02-04-087	478-117-300	NEW-P	02-03-085
461- 08-355	AMD	02-06-009	478-117-005	NEW	02-08-023	478-117-300	NEW-E	02-04-087
461- 08-500	AMD	02-06-010	478-117-010	NEW-P	02-03-085	478-117-300	NEW	02-08-023
461- 08-505	AMD	02-06-010	478-117-010	NEW-E	02-04-087	478-117-310	NEW-P	02-03-085
465- 10-010	NEW-X	02-13-092	478-117-010	NEW	02-08-023	478-117-310	NEW-E	02-04-087
465- 10-020	NEW-X	02-13-092	478-117-020	NEW-P	02-03-085	478-117-310	NEW	02-08-023
465- 10-030	NEW-X	02-13-092	478-117-020	NEW-E	02-04-087	478-117-320	NEW-P	02-03-085
465- 10-040	NEW-X	02-13-092	478-117-020	NEW	02-08-023	478-117-320	NEW-E	02-04-087
465- 10-050	NEW-X	02-13-092	478-117-030	NEW-P	02-03-085	478-117-320	NEW	02-08-023
465- 10-060	NEW-X	02-13-092	478-117-030	NEW-E	02-04-087	478-117-400	NEW-P	02-03-085
465- 10-070	NEW-X	02-13-092	478-117-030	NEW	02-08-023	478-117-400	NEW-E	02-04-087
465- 10-080	NEW-X	02-13-092	478-117-040	NEW-P	02-03-085	478-117-400	NEW	02-08-023
465- 10-090	NEW-X	02-13-092	478-117-040	NEW-E	02-04-087	478-117-410	NEW-P	02-03-085
465- 10-100	NEW-X	02-13-092	478-117-040	NEW	02-08-023	478-117-410	NEW-E	02-04-087
465- 10-110	NEW-X	02-13-092	478-117-050	NEW-P	02-03-085	478-117-410	NEW	02-08-023
465- 20-010	NEW-X	02-13-093	478-117-050	NEW-E	02-04-087	478-118	PREP	02-04-037
465- 20-020	NEW-X	02-13-093	478-117-050	NEW	02-08-023	478-118	NEW-C	02-13-066
465- 20-030	NEW-X	02-13-093	478-117-060	NEW-P	02-03-085	478-118-010	NEW-E	02-06-042
465- 30-010	NEW-X	02-13-094	478-117-060	NEW-E	02-04-087	478-118-010	NEW-P	02-08-066
465- 40-010	NEW-X	02-13-095	478-117-060	NEW	02-08-023	478-118-010	NEW	02-15-174
468- 06-040	AMD	02-10-021	478-117-070	NEW-P	02-03-085	478-118-020	NEW-E	02-06-042
468- 38-075	AMD-P	02-03-049	478-117-070	NEW-E	02-04-087	478-118-020	NEW-P	02-08-066
468- 38-075	AMD	02-06-106	478-117-070	NEW	02-08-023	478-118-020	NEW	02-15-174
468- 38-120	PREP	02-10-058	478-117-080	NEW-P	02-03-085	478-118-030	NEW-E	02-06-042
468- 38-120	AMD-E	02-10-059	478-117-080	NEW-E	02-04-087	478-118-030	NEW-P	02-08-066
468- 38-120	AMD-P	02-14-024	478-117-080	NEW	02-08-023	478-118-030	NEW	02-15-174
468- 38-340	AMD-E	02-15-110	478-117-090	NEW-P	02-03-085	478-118-040	NEW-E	02-06-042
468- 38-340	PREP	02-15-111	478-117-090	NEW-E	02-04-087	478-118-040	NEW-P	02-08-066
468- 38-390	AMD-P	02-03-049	478-117-090	NEW	02-08-023	478-118-040	NEW	02-15-174
468- 38-390	AMD	02-06-106	478-117-100	NEW-P	02-03-085	478-118-050	NEW-E	02-06-042

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478-118-050	NEW	02-15-174	478-160-125	AMD	02-06-021	480-80-030	AMD	02-11-081
478-118-060	NEW-E	02-06-042	478-160-130	AMD	02-06-021	480-80-031	NEW	02-11-081
478-118-060	NEW-P	02-08-066	478-160-140	AMD	02-06-021	480-80-035	REP	02-11-081
478-118-060	NEW	02-15-174	478-160-163	NEW	02-06-021	480-80-040	REP	02-11-081
478-118-070	NEW-E	02-06-042	478-160-175	AMD	02-06-021	480-80-041	REP	02-11-081
478-118-070	NEW-P	02-08-066	480-14-999	AMD-X	02-12-131	480-80-045	REP	02-11-081
478-118-070	NEW	02-15-174	480-15-999	AMD-X	02-12-131	480-80-050	REP	02-11-081
478-118-080	NEW-E	02-06-042	480-30-999	AMD-X	02-12-131	480-80-060	REP	02-11-081
478-118-080	NEW-P	02-08-066	480-31-999	AMD-X	02-12-131	480-80-070	REP	02-11-081
478-118-080	NEW	02-15-174	480-40-999	AMD-X	02-12-131	480-80-080	REP	02-11-081
478-118-090	NEW-E	02-06-042	480-62-240	AMD-X	02-12-131	480-80-090	REP	02-11-081
478-118-090	NEW-P	02-08-066	480-62-999	AMD-X	02-12-131	480-80-100	REP	02-11-081
478-118-090	NEW	02-15-174	480-70	PREP	02-10-055	480-80-101	NEW	02-11-081
478-118-100	NEW-E	02-06-042	480-70-999	AMD-X	02-12-131	480-80-102	NEW	02-11-081
478-118-100	NEW-P	02-08-066	480-75	AMD-P	02-12-132	480-80-103	NEW	02-11-081
478-118-100	NEW	02-15-174	480-75-002	REP-P	02-12-132	480-80-104	NEW	02-11-081
478-118-200	NEW-E	02-06-042	480-75-005	REP-P	02-12-132	480-80-105	NEW	02-11-081
478-118-200	NEW-P	02-08-066	480-75-010	REP-P	02-12-132	480-80-110	REP	02-11-081
478-118-200	NEW	02-15-174	480-75-100	NEW-P	02-12-132	480-80-111	NEW	02-11-081
478-118-210	NEW-E	02-06-042	480-75-200	NEW-P	02-12-132	480-80-112	NEW	02-11-081
478-118-210	NEW-P	02-08-066	480-75-210	NEW-P	02-12-132	480-80-121	NEW	02-11-081
478-118-210	NEW	02-15-174	480-75-220	NEW-P	02-12-132	480-80-122	NEW	02-11-081
478-118-220	NEW-E	02-06-042	480-75-223	REP-P	02-12-132	480-80-123	NEW	02-11-081
478-118-220	NEW-P	02-08-066	480-75-230	REP-P	02-12-132	480-80-124	NEW	02-11-081
478-118-220	NEW	02-15-174	480-75-240	NEW	02-03-016	480-80-125	REP	02-11-081
478-118-230	NEW-E	02-06-042	480-75-250	NEW-P	02-12-132	480-80-130	REP	02-11-081
478-118-230	NEW-P	02-08-066	480-75-260	NEW-P	02-12-132	480-80-131	NEW	02-11-081
478-118-230	NEW	02-15-174	480-75-300	NEW-P	02-12-132	480-80-132	NEW	02-11-081
478-118-240	NEW-E	02-06-042	480-75-310	NEW-P	02-12-132	480-80-133	NEW	02-11-081
478-118-240	NEW-P	02-08-066	480-75-320	NEW-P	02-12-132	480-80-134	NEW	02-11-081
478-118-240	NEW	02-15-174	480-75-330	NEW-P	02-12-132	480-80-140	REP	02-11-081
478-118-250	NEW-E	02-06-042	480-75-340	NEW-P	02-12-132	480-80-141	NEW	02-11-081
478-118-250	NEW-P	02-08-066	480-75-350	NEW-P	02-12-132	480-80-142	NEW	02-11-081
478-118-250	NEW	02-15-174	480-75-360	NEW-P	02-12-132	480-80-143	NEW	02-11-081
478-118-260	NEW-E	02-06-042	480-75-370	NEW-P	02-12-132	480-80-150	REP	02-11-081
478-118-260	NEW-P	02-08-066	480-75-380	NEW-P	02-12-132	480-80-160	REP	02-11-081
478-118-260	NEW	02-15-174	480-75-390	NEW-P	02-12-132	480-80-170	REP	02-11-081
478-118-270	NEW-E	02-06-042	480-75-400	NEW-P	02-12-132	480-80-180	REP	02-11-081
478-118-270	NEW-P	02-08-066	480-75-410	NEW-P	02-12-132	480-80-190	REP	02-11-081
478-118-270	NEW	02-15-174	480-75-420	NEW-P	02-12-132	480-80-200	REP	02-11-081
478-118-280	NEW-E	02-06-042	480-75-430	NEW-P	02-12-132	480-80-201	NEW	02-11-081
478-118-280	NEW-P	02-08-066	480-75-440	NEW-P	02-12-132	480-80-202	NEW	02-11-081
478-118-280	NEW	02-15-174	480-75-450	NEW-P	02-12-132	480-80-203	NEW	02-11-081
478-118-400	NEW-E	02-06-042	480-75-460	NEW-P	02-12-132	480-80-204	NEW	02-11-081
478-118-400	NEW-P	02-08-066	480-75-500	NEW-P	02-12-132	480-80-205	NEW	02-11-081
478-118-400	NEW	02-15-174	480-75-510	NEW-P	02-12-132	480-80-206	NEW	02-11-081
478-118-410	NEW-E	02-06-042	480-75-520	NEW-P	02-12-132	480-80-210	REP	02-11-081
478-118-410	NEW-P	02-08-066	480-75-530	NEW-P	02-12-132	480-80-220	REP	02-11-081
478-118-410	NEW	02-15-174	480-75-540	NEW-P	02-12-132	480-80-230	REP	02-11-081
478-118-420	NEW-E	02-06-042	480-75-550	NEW-P	02-12-132	480-80-240	REP	02-11-081
478-118-420	NEW-P	02-08-066	480-75-600	NEW-P	02-12-132	480-80-241	NEW	02-11-081
478-118-420	NEW	02-15-174	480-75-610	NEW-P	02-12-132	480-80-242	NEW	02-11-081
478-118-500	NEW-E	02-06-042	480-75-620	NEW-P	02-12-132	480-80-250	REP	02-11-081
478-118-500	NEW-P	02-08-066	480-75-630	NEW-P	02-12-132	480-80-260	REP	02-11-081
478-118-500	NEW	02-15-174	480-75-640	NEW-P	02-12-132	480-80-270	REP	02-11-081
478-118-510	NEW-E	02-06-042	480-75-650	NEW-P	02-12-132	480-80-280	REP	02-11-081
478-118-510	NEW-P	02-08-066	480-75-660	NEW-P	02-12-132	480-80-290	REP	02-11-081
478-118-510	NEW	02-15-174	480-75-999	AMD-P	02-12-132	480-80-300	REP	02-11-081
478-136-012	AMD	02-06-020	480-80-010	AMD	02-11-081	480-80-310	REP	02-11-081
478-136-015	AMD	02-06-020	480-80-015	NEW	02-11-081	480-80-320	REP	02-11-081
478-136-030	AMD-E	02-03-102	480-80-020	AMD	02-11-081	480-80-325	REP	02-11-081

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480-80-326	REP	02-11-081	480-120-103	NEW-P	02-12-055	480-120-215	NEW-P	02-08-081
480-80-330	REP	02-11-081	480-120-104	NEW-P	02-12-055	480-120-216	NEW-P	02-08-081
480-80-335	REP	02-11-081	480-120-105	NEW-P	02-12-055	480-120-251	NEW-P	02-12-055
480-80-340	REP	02-11-081	480-120-106	REP-P	02-12-055	480-120-252	NEW-P	02-12-055
480-80-350	REP	02-11-081	480-120-107	NEW-P	02-12-055	480-120-253	NEW-P	02-12-055
480-80-360	REP	02-11-081	480-120-108	NEW-P	02-12-055	480-120-254	NEW-P	02-12-055
480-80-370	REP	02-11-081	480-120-112	NEW-P	02-12-055	480-120-255	NEW-P	02-12-055
480-80-380	REP	02-11-081	480-120-116	REP-P	02-12-055	480-120-256	NEW-P	02-12-055
480-90	PREP	02-10-055	480-120-121	REP-P	02-12-055	480-120-257	NEW-P	02-12-055
480-90-193	AMD	02-11-081	480-120-122	NEW-P	02-12-055	480-120-261	NEW-P	02-12-055
480-90-194	NEW	02-11-081	480-120-123	NEW-P	02-12-055	480-120-262	NEW-P	02-12-055
480-90-195	NEW	02-11-081	480-120-124	NEW-P	02-12-055	480-120-263	NEW-P	02-12-055
480-90-197	NEW	02-11-081	480-120-125	NEW-P	02-12-055	480-120-264	NEW	02-11-080
480-90-198	NEW	02-11-081	480-120-126	REP-P	02-12-055	480-120-265	NEW-P	02-12-055
480-90-199	NEW	02-11-081	480-120-127	NEW	02-11-080	480-120-301	NEW-P	02-12-055
480-90-203	AMD-X	02-12-131	480-120-128	NEW-P	02-12-055	480-120-302	NEW-P	02-12-055
480-90-208	AMD-X	02-12-131	480-120-131	REP-P	02-12-055	480-120-303	NEW-P	02-12-055
480-90-999	AMD-X	02-12-131	480-120-132	NEW-P	02-12-055	480-120-304	NEW-P	02-12-055
480-93-240	NEW	02-03-016	480-120-133	NEW-P	02-12-055	480-120-305	NEW-P	02-12-055
480-100	PREP	02-10-055	480-120-136	REP-P	02-12-055	480-120-311	NEW-P	02-12-055
480-100-148	PREP	02-10-055	480-120-138	REP-P	02-12-055	480-120-312	NEW-P	02-12-055
480-100-163	AMD-X	02-12-131	480-120-139	REP-P	02-12-055	480-120-321	NEW-P	02-12-055
480-100-193	AMD	02-11-081	480-120-141	REP-P	02-12-055	480-120-322	NEW-P	02-12-055
480-100-194	NEW	02-11-081	480-120-144	REP-P	02-08-081	480-120-323	NEW-P	02-12-055
480-100-195	NEW	02-11-081	480-120-146	NEW-P	02-12-055	480-120-340	REP-P	02-12-055
480-100-197	NEW	02-11-081	480-120-147	NEW-P	02-12-055	480-120-350	REP-P	02-12-055
480-100-198	NEW	02-11-081	480-120-148	NEW-P	02-12-055	480-120-401	NEW-P	02-12-055
480-100-199	NEW	02-11-081	480-120-151	REP-P	02-08-081	480-120-402	NEW-P	02-12-055
480-100-203	AMD-X	02-12-131	480-120-152	REP-P	02-08-081	480-120-411	NEW-P	02-12-055
480-100-208	AMD-X	02-12-131	480-120-153	REP-P	02-08-081	480-120-412	NEW-P	02-12-055
480-100-999	AMD-X	02-12-131	480-120-154	REP-P	02-08-081	480-120-414	NEW-P	02-12-055
480-110	PREP	02-10-055	480-120-161	NEW-P	02-12-055	480-120-436	NEW-P	02-12-055
480-110-275	AMD-X	02-12-131	480-120-162	NEW-P	02-12-055	480-120-437	NEW-P	02-12-055
480-110-485	AMD-X	02-12-131	480-120-163	NEW-P	02-12-055	480-120-438	NEW-P	02-12-055
480-110-999	NEW-X	02-12-131	480-120-164	NEW-P	02-12-055	480-120-439	NEW-P	02-12-055
480-120-011	AMD-P	02-12-055	480-120-165	NEW-P	02-12-055	480-120-440	NEW-P	02-12-055
480-120-015	AMD-P	02-12-055	480-120-166	NEW-P	02-12-055	480-120-450	NEW-P	02-12-055
480-120-017	NEW-P	02-12-055	480-120-167	NEW-P	02-12-055	480-120-451	NEW-P	02-12-055
480-120-019	NEW-P	02-12-055	480-120-171	NEW-P	02-12-055	480-120-452	NEW-P	02-12-055
480-120-021	AMD-P	02-12-055	480-120-172	NEW-P	02-12-055	480-120-500	REP-P	02-12-055
480-120-029	REP-P	02-12-055	480-120-173	NEW-P	02-12-055	480-120-505	REP-P	02-12-055
480-120-031	REP-P	02-12-055	480-120-174	NEW-P	02-12-055	480-120-510	REP-P	02-12-055
480-120-032	REP-P	02-12-055	480-120-193	NEW	02-11-081	480-120-515	REP-P	02-12-055
480-120-033	REP-P	02-12-055	480-120-194	NEW	02-11-081	480-120-520	REP-P	02-12-055
480-120-041	REP-P	02-12-055	480-120-195	NEW	02-11-081	480-120-525	REP-P	02-12-055
480-120-042	REP-P	02-12-055	480-120-196	NEW	02-11-081	480-120-530	REP-P	02-12-055
480-120-043	REP	02-11-081	480-120-197	NEW	02-11-081	480-120-531	REP-P	02-12-055
480-120-043	REP-P	02-12-055	480-120-198	NEW	02-11-081	480-120-535	REP-P	02-12-055
480-120-045	REP-P	02-12-055	480-120-199	NEW	02-11-081	480-120-541	REP-P	02-12-055
480-120-046	REP-P	02-12-055	480-120-201	NEW-P	02-08-081	480-120-542	REP-P	02-12-055
480-120-051	REP-P	02-12-055	480-120-202	NEW-P	02-08-081	480-120-543	REP-P	02-12-055
480-120-052	REP	02-11-080	480-120-203	NEW-P	02-08-081	480-120-544	REP-P	02-12-055
480-120-056	REP-P	02-12-055	480-120-204	NEW-P	02-08-081	480-120-545	REP-P	02-12-055
480-120-057	REP-P	02-12-055	480-120-205	NEW-P	02-08-081	480-120-999	NEW-P	02-12-055
480-120-058	REP	02-11-080	480-120-206	NEW-P	02-08-081	480-121-010	REP	02-11-080
480-120-061	AMD-P	02-12-055	480-120-207	NEW-P	02-08-081	480-121-011	NEW	02-11-080
480-120-081	REP-P	02-12-055	480-120-208	NEW-P	02-08-081	480-121-015	AMD	02-11-080
480-120-087	REP-P	02-12-055	480-120-209	NEW-P	02-08-081	480-121-016	NEW	02-11-080
480-120-088	REP-P	02-12-055	480-120-211	NEW-P	02-08-081	480-121-017	NEW	02-11-080
480-120-089	REP-P	02-12-055	480-120-212	NEW-P	02-08-081	480-121-018	NEW	02-11-080
480-120-101	REP-P	02-12-055	480-120-213	NEW-P	02-08-081	480-121-020	AMD-S	02-07-041
480-120-102	NEW-P	02-12-055	480-120-214	NEW-P	02-08-081	480-121-020	AMD	02-11-080

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480-121-023	REP	02-11-080	504- 25-013	NEW	02-15-075	504- 25-200	AMD	02-15-075
480-121-026	AMD	02-11-080	504- 25-014	NEW-P	02-11-093	504- 25-201	NEW-P	02-11-093
480-121-030	REP	02-11-080	504- 25-014	NEW	02-15-075	504- 25-201	NEW	02-15-075
480-121-040	AMD	02-11-080	504- 25-015	AMD-P	02-11-093	504- 25-202	NEW-P	02-11-093
480-121-050	REP	02-11-080	504- 25-015	AMD	02-15-075	504- 25-202	NEW	02-15-075
480-121-060	AMD	02-11-080	504- 25-018	NEW-P	02-11-093	504- 25-203	NEW-P	02-11-093
480-121-061	AMD	02-11-080	504- 25-018	NEW	02-15-075	504- 25-203	NEW	02-15-075
480-121-062	AMD	02-11-080	504- 25-020	AMD-P	02-11-093	504- 25-205	AMD-P	02-11-093
480-121-063	AMD-S	02-07-041	504- 25-020	AMD	02-15-075	504- 25-205	AMD	02-15-075
480-121-063	AMD	02-11-080	504- 25-025	AMD-P	02-11-093	504- 25-210	REP-P	02-11-093
480-121-064	AMD	02-11-080	504- 25-025	AMD	02-15-075	504- 25-210	REP	02-15-075
480-121-065	NEW	02-11-081	504- 25-030	AMD-P	02-11-093	504- 25-215	AMD-P	02-11-093
480-121-070	REP	02-11-080	504- 25-030	AMD	02-15-075	504- 25-215	AMD	02-15-075
480-122-010	AMD	02-03-017	504- 25-035	AMD-P	02-11-093	504- 25-220	REP-P	02-11-093
480-122-020	AMD	02-03-017	504- 25-035	AMD	02-15-075	504- 25-220	REP	02-15-075
480-122-030	REP	02-03-017	504- 25-040	AMD-P	02-11-093	504- 25-221	NEW-P	02-11-093
480-122-040	REP	02-03-017	504- 25-040	AMD	02-15-075	504- 25-221	NEW	02-15-075
480-122-060	AMD	02-03-017	504- 25-041	NEW-P	02-11-093	504- 25-222	NEW-P	02-11-093
480-122-070	REP	02-03-017	504- 25-041	NEW	02-15-075	504- 25-222	NEW	02-15-075
480-122-080	AMD	02-03-017	504- 25-042	NEW-P	02-11-093	504- 25-223	NEW-P	02-11-093
480-122-090	REP	02-03-017	504- 25-042	NEW	02-15-075	504- 25-223	NEW	02-15-075
495C-120-040	AMD	02-04-022	504- 25-045	AMD-P	02-11-093	504- 25-224	NEW-P	02-11-093
495C-120-041	AMD	02-04-022	504- 25-045	AMD	02-15-075	504- 25-224	NEW	02-15-075
504- 15-060	REP-P	02-11-092	504- 25-050	AMD-P	02-11-093	504- 25-225	REP-P	02-11-093
504- 15-060	REP	02-14-071	504- 25-050	AMD	02-15-075	504- 25-225	REP	02-15-075
504- 15-100	AMD-P	02-11-092	504- 25-055	AMD-P	02-11-093	504- 25-226	NEW-P	02-11-093
504- 15-100	AMD	02-14-071	504- 25-055	AMD	02-15-075	504- 25-226	NEW	02-15-075
504- 15-200	AMD-P	02-11-092	504- 25-060	AMD-P	02-11-093	504- 25-227	NEW-P	02-11-093
504- 15-200	AMD	02-14-071	504- 25-060	AMD	02-15-075	504- 25-227	NEW	02-15-075
504- 15-210	AMD-P	02-11-092	504- 25-065	AMD-P	02-11-093	504- 25-228	NEW-P	02-11-093
504- 15-210	AMD	02-14-071	504- 25-065	AMD	02-15-075	504- 25-228	NEW	02-15-075
504- 15-460	AMD-P	02-11-092	504- 25-075	AMD-P	02-11-093	504- 25-229	NEW-P	02-11-093
504- 15-460	AMD	02-14-071	504- 25-075	AMD	02-15-075	504- 25-229	NEW	02-15-075
504- 15-540	AMD-P	02-11-092	504- 25-080	AMD-P	02-11-093	504- 25-230	AMD-P	02-11-093
504- 15-540	AMD	02-14-071	504- 25-080	AMD	02-15-075	504- 25-230	AMD	02-15-075
504- 15-580	AMD-P	02-11-092	504- 25-085	AMD-P	02-11-093	504- 25-231	NEW-P	02-11-093
504- 15-580	AMD	02-14-071	504- 25-085	AMD	02-15-075	504- 25-231	NEW	02-15-075
504- 15-600	AMD-P	02-11-092	504- 25-090	AMD-P	02-11-093	504- 25-235	REP-P	02-11-093
504- 15-600	AMD	02-14-071	504- 25-090	AMD	02-15-075	504- 25-235	REP	02-15-075
504- 15-650	AMD-P	02-11-092	504- 25-095	AMD-P	02-11-093	504- 25-240	REP-P	02-11-093
504- 15-650	AMD	02-14-071	504- 25-095	AMD	02-15-075	504- 25-240	REP	02-15-075
504- 15-810	AMD-P	02-11-092	504- 25-100	AMD-P	02-11-093	504- 25-245	AMD-P	02-11-093
504- 15-810	AMD	02-14-071	504- 25-100	AMD	02-15-075	504- 25-245	AMD	02-15-075
504- 15-830	AMD-P	02-11-092	504- 25-115	AMD-P	02-11-093	516- 12-400	AMD	02-07-045
504- 15-830	AMD	02-14-071	504- 25-115	AMD	02-15-075	516- 12-420	AMD	02-07-045
504- 25-001	NEW-P	02-11-093	504- 25-120	AMD-P	02-11-093	516- 12-430	AMD	02-07-045
504- 25-001	NEW	02-15-075	504- 25-120	AMD	02-15-075	516- 12-440	AMD	02-07-045
504- 25-002	NEW-P	02-11-093	504- 25-125	AMD-P	02-11-093	516- 12-450	AMD	02-07-045
504- 25-002	NEW	02-15-075	504- 25-125	AMD	02-15-075	516- 12-460	AMD	02-07-045
504- 25-003	NEW-P	02-11-093	504- 25-130	AMD-P	02-11-093	516- 12-470	AMD	02-07-045
504- 25-003	NEW	02-15-075	504- 25-130	AMD	02-15-075	516- 12-480	AMD	02-07-045
504- 25-004	NEW-P	02-11-093	504- 25-135	AMD-P	02-11-093	516- 13-030	AMD	02-07-045
504- 25-004	NEW	02-15-075	504- 25-135	AMD	02-15-075	516- 13-080	AMD	02-07-045
504- 25-005	REP-P	02-11-093	504- 25-137	NEW-P	02-11-093	516- 13-090	AMD	02-07-045
504- 25-005	REP	02-15-075	504- 25-137	NEW	02-15-075	516- 14-200	AMD	02-07-045
504- 25-010	REP-P	02-11-093	504- 25-138	AMD-P	02-11-093	516- 23-005	REP-P	02-16-088
504- 25-010	REP	02-15-075	504- 25-138	AMD	02-15-075	516- 23-010	REP-P	02-16-088
504- 25-011	NEW-P	02-11-093	504- 25-139	NEW-P	02-11-093	516- 23-015	REP-P	02-16-088
504- 25-011	NEW	02-15-075	504- 25-139	NEW	02-15-075	516- 23-020	REP-P	02-16-088
504- 25-012	NEW-P	02-11-093	504- 25-140	AMD-P	02-11-093	516- 23-025	REP-P	02-16-088
504- 25-012	NEW	02-15-075	504- 25-140	AMD	02-15-075	516- 23-030	REP-P	02-16-088
504- 25-013	NEW-P	02-11-093	504- 25-200	AMD-P	02-11-093	516- 23-035	REP-P	02-16-088

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516-23-040	REP-P	02-16-088						
516-23-045	REP-P	02-16-088						
516-23-050	REP-P	02-16-088						
516-23-055	REP-P	02-16-088						
516-23-060	REP-P	02-16-088						
516-23-065	REP-P	02-16-088						
516-23-070	REP-P	02-16-088						
516-23-075	REP-P	02-16-088						
516-23-080	REP-P	02-16-088						
516-23-085	REP-P	02-16-088						
516-23-090	REP-P	02-16-088						
516-23-095	REP-P	02-16-088						
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516-23-105	REP-P	02-16-088						
516-23-110	REP-P	02-16-088						
516-23-115	REP-P	02-16-088						
516-23-120	REP-P	02-16-088						
516-23-125	REP-P	02-16-088						
516-23-130	REP-P	02-16-088						
516-23-135	REP-P	02-16-088						
516-23-140	REP-P	02-16-088						
516-23-145	REP-P	02-16-088						
516-23-200	NEW-P	02-16-088						
516-23-210	NEW-P	02-16-088						
516-23-220	NEW-P	02-16-088						
516-23-230	NEW-P	02-16-088						
516-23-240	NEW-P	02-16-088						
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516-23-260	NEW-P	02-16-088						
516-23-270	NEW-P	02-16-088						
516-23-280	NEW-P	02-16-088						
516-23-290	NEW-P	02-16-088						
516-23-300	NEW-P	02-16-088						
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