

# Chapter 247-02 WAC

## ORGANIZATION, OPERATIONS AND PROCEDURES

### WAC

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**WAC 247-02-010 Purpose.** The purpose of this chapter shall be to ensure compliance by the Washington health care facilities authority with the provisions of chapter 42.17 RCW (Initiative 276), and chapter 34.04 RCW.

[Statutory Authority: RCW 70.37.050. 79-10-101 (Order 2, Resolution No. 79-3), § 247-02-010, filed 9/26/79.]

**WAC 247-02-020 Rules of interpretation.** (1) All adjectives and adverbs, including but not limited to the words "adequate," "approved," "qualified," "reasonable," "reputable," "satisfactory," "sufficiently," and "suitable," as used in Title 247 WAC to qualify a person, procedure, process or otherwise shall be as determined by the authority or its designee.

(2) Where the word "shall" is used in Title 247 WAC, the subject rule or action to which the word relates is mandatory.

(3) Where the word "should" is used in Title 247 WAC, it indicates suggestion or recommendation but not a requirement.

(4) Where the word "may" is used in Title 247 WAC, the action or rule to which the word relates is permissive or discretionary.

(5) Words importing the singular number may also be applied to the plural of persons and things; words importing the plural may be applied to the singular; and words importing the masculine gender or relating to a man may also be extended to the feminine gender and be considered to relate equally to a woman.

[Statutory Authority: RCW 70.37.050. 79-10-101 (Order 2, Resolution No. 79-3), § 247-02-020, filed 9/26/79.]

**WAC 247-02-030 Definitions.** (1) "Act" means chapter 147, Laws of 1974 1st ex. sess., and chapter 70.37 RCW.

(2) "Washington health care facilities authority" and "authority" each mean the corporate and politic public body created by the act and also refer to the staff and employees of the authority.

The terms defined in the act shall have the same meaning when used in Title 247 WAC.

[Statutory Authority: RCW 70.37.050. 79-10-101 (Order 2, Resolution No. 79-3), § 247-02-030, filed 9/26/79.]

**WAC 247-02-040 Description of organization.** (1) The authority is a public entity established under the provisions of chapter 70.37 RCW, which exercises essential governmental functions.

(5/13/05)

(2) Members. The authority consists of the governor; the lieutenant governor; the insurance commissioner; the chairman of the Washington state hospital commission; and one public member appointed by the governor on the basis of his or her interest or expertise in health care delivery, and confirmed by the senate for a term of four years. If the public office of any of the first four mentioned members is abolished, the resulting vacancy on the authority shall be filled by the officer who shall succeed substantially to the powers and duties thereof.

(3) Officers. The officers of the authority shall be a chairman, who shall be the governor, and a secretary. The secretary shall hold office for two years, or until his or her successor is later elected, and shall be elected by a majority vote of the members from among themselves. Whenever a vacancy occurs in the office of secretary, the members of the authority shall elect a successor who shall serve out the remaining term.

(4) Authority staff. The staff of the authority shall consist of an executive director and such other employees as are determined by the authority as necessary to fulfill its responsibilities and duties. The executive director shall be the chief administrative officer of the authority and subject to its direction. All other staff shall be under his or her supervision and direction. The executive director shall keep a record of the proceedings of the authority and, when required by the authority, shall sign notes, contracts and other instruments. The executive director shall have custody of and be responsible for all moneys and securities of the authority and shall deposit all such moneys forthwith in such banks as the authority may designate from time to time.

(5) Administrative office. The administrative office of the authority shall be located at 504 E. 14th, Suite 130, Olympia, Washington 98504, which office shall be open each day for the transaction of business from 8:00 a.m. to 5:00 p.m. (Saturdays, Sundays and legal holidays excepted, and except for business relating to public records, which is governed by WAC 247-12-050).

(6) Address for communications. All communications with the authority, including but not limited to the submission of materials pertaining to its operations and these rules, requests for copies of the authority's decisions and other matters, shall be addressed as follows: Washington Health Care Facilities Authority, 504 E. 14th, Suite 130, Olympia, Washington 98504.

[Statutory Authority: RCW 73.37.050 [70.37.050]. 81-24-038 (Order 9, Resolution No. 81-1), § 247-02-040, filed 11/25/81. Statutory Authority: RCW 70.37.050. 79-10-101 (Order 2, Resolution No. 79-3), § 247-02-040, filed 9/26/79.]

**WAC 247-02-050 Operations and procedures.** (1) Uniform procedure rules: Practice and procedure in and before the authority are governed by the uniform procedural rules codified in the Washington Administrative Code, WAC

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1-08-005 through 1-08-590, as now or hereafter amended, which rules the authority adopts as its own, subject to any additional rules the authority may add from time to time. The authority reserves the right to make whatever determination is fair and equitable should any question not covered by its rules come before the authority, said determination to be in accordance with the spirit and intent of the law.

(2) Authority meetings: The meetings of the authority shall all be "special meetings" as that designation is applied in chapter 42.30 RCW. They may be called at any time and place by the chairman or a majority of the members of the authority. At least ten days' notice of all special meetings shall be given by delivering personally or by mail to each member a written notice specifying the time and place of the meeting and a copy of the agenda prepared by the executive director in consultation with the chairman, and by giving such notice to the public as may be required by law. If an emergency is deemed to exist, the chairman may shorten the notice period to not less than twenty-four hours. An executive session may be called by the chairman or by a majority of all members of the authority to consider the appointment, employment or dismissal of an officer or employee, and such other matters as are permitted by RCW 42.30.110.

(3) Quorum: Three members shall constitute a quorum, and the act of a majority of the members present at any meeting, if there is a quorum, shall be deemed the act of the authority except as specified hereafter in WAC 247-02-050(7).

(4) Chairman's voting rights: The chairman shall have the right to vote on all matters before the authority, just as any other authority member.

(5) Minutes of meetings: Minutes shall be kept of the proceedings of the authority.

(6) Rules of order: The authority shall generally follow *Robert's Rules of Order*, newly revised, in conducting its business meetings.

(7) Form of authority action: The authority may act on the basis of a motion except when authorizing issuance of bonds pursuant to WAC 247-16-070 and when otherwise taking official and formal action with respect to the creation of special funds and the issuance and sale of bonds for a project of a participant, in which case the authority shall act by resolution. Such resolutions shall be adopted upon the affirmative vote of a majority of the members of the authority and shall be signed by a majority of the members of the authority. Motions shall be adopted upon the affirmative vote of a majority of a quorum of members present at any meeting. All bonds shall be executed in the manner provided in RCW 70.37.050.

(8) Public participation in the meetings of the authority shall be as follows:

(a) Any person or organization wishing to make a formal presentation at a regularly scheduled meeting of the authority shall so notify the executive director in writing at least forty-eight hours prior to the time of the meeting.

(i) Such notification shall contain the name of the person, association, corporation or organization that desires to make a presentation; the address of such person and, if applicable, the address of the entity to be represented in the presentation; and the topic to be presented or discussed.

(ii) Permission to make a presentation to the authority shall be granted by the executive director as authorized by the authority.

(iii) Confirmation of permission to make a presentation to the authority shall be made, if at all possible, by the authority staff prior to the meeting of the authority and shall include the date and time of the meeting and time set for the formal presentation.

(b) The chairman of the authority shall have the discretion to recognize anyone in the audience who indicates in writing at the time of the meeting a desire to speak at such meeting, provided that remarks by any individual person shall be limited to five minutes unless a time extension is granted by the chairman.

[Statutory Authority: Chapter 70.37 RCW. 05-11-048, § 247-02-050, filed 5/13/05, effective 5/13/05. Statutory Authority: RCW 70.37.050. 82-19-064 (Order 12), § 247-02-050, filed 9/20/82; 81-24-038 (Order 9, Resolution No. 81-1), § 247-02-050, filed 11/25/81; 79-10-101 (Order 2, Resolution No. 79-3), § 247-02-050, filed 9/26/79.]