

WSR 14-17-096
PROPOSED RULES
BENTON CLEAN AIR AGENCY
 [Filed August 19, 2014, 9:50 a.m.]

August 4, 2014
 Robin Priddy
 Director

Original Notice.

Proposal is exempt under RCW 70.94.141.

Title of Rule and Other Identifying Information: Regulation 1, the changes are primarily housekeeping items such as updating outdated references to WACs and/or RCWs; preparing sections of the rule for submission to the Washington state implementation plan; and consolidation [consolidating] current rules.

Hearing Location(s): Benton Clean Air Agency, 526 South Clodfelter Road, Kennewick, WA 99336, on October 23, 2014, at 5:00 p.m.

Date of Intended Adoption: October 23, 2014, or later.

Submit Written Comments to: Robin Priddy, 526 South Clodfelter Road, Kennewick, WA 99336, e-mail robin.priddy@bentoncleanair.org, fax (509) 783-1304, by October 23, 2014.

Assistance for Persons with Disabilities: Contact 711 relay or Robin Priddy.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The changes are primarily housekeeping items such as:

- Aligning sections and wording with the Washington Administrative Code in preparation for submission as part of the state implementation plan.
- Consolidation of rules for fugitive dust in Article 4, asbestos in Article 8 and some industrial sources in Article 3.
- Updating outdated references to WACs and/or RCWs.
- Aligning language with the current RCWs and WACs.
- Updating agricultural burning rule and fees per changes already made to the WAC.

Reasons Supporting Proposal: Current rules need the above corrections in order to be able to approve them into the state implementation plan, and to bring them up-to-date.

Statutory Authority for Adoption: RCW 70.94.141 Air pollution control authority—Powers and duties of activated authority.

Statute Being Implemented: Regulation 1 of the Benton Clean Air Agency.

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

Name of Proponent: Benton Clean Air Agency, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Robin Priddy, 526 South Clodfelter, Kennewick, (509) 783-1304.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposed regulations strictly clarify and consolidate existing regulation and correct references to RCWs and WACs.

A cost-benefit analysis is not required under RCW 34.05.328. Proposed regulations strictly clarify and consolidate existing regulation and correct references to RCWs and WACs.

ARTICLE 1

~~((Name, Short Title, and Policy))~~

Policy, Purpose and Applicability

ADOPTED: 17-Feb-2005; EFFECTIVE: 9-Apr-2005; AMENDED XX 2014

Amended

Section 1.01 Name of Agency

The name of this Air Pollution Control Agency, ~~((declared to be and directed to function as a single county authority with the boundaries of Benton County and activated by the Washington Clean Air Act, Revised Code of Washington (RCW) 70.94 as amended, shall be known as))~~ is the Benton Clean Air Agency, ~~((hereinafter))~~ referred to as the BCAA, or the Agency.

Amended

Section 1.02 Policy and Purpose ~~((Section 1.02 Short Title~~

~~This regulation of the BCAA shall be known and cited as REGULATION 1.~~

~~A. The BCAA adopts Regulation 1 to control the emissions of air contaminants from all sources within Benton County; to provide for the uniform administration and enforcement of this regulation; and to carry out the requirements and purposes of the Federal Clean Air Act (42 USC 7401 et. seq.) and the Washington State Clean Air Act (RCW 70.94).~~

~~B))~~

[Statutory Authority: RCW 70.94.011, RCW 70.94.057, and RCW 70.94.141]

~~A. ((It is hereby declared to be))~~ The public policy of the ~~((BCAA to:))~~ the Agency under Revised Code of Washington chapter 70.94 RCW is to:

1. Provide for the systematic control of air pollution from air contaminant sources within Benton County and for the proper development of the county's natural resources

~~((1))~~ 2. Secure and maintain such levels of air quality that protect human health and safety, including the most sensitive members of the population;

~~((2.))~~ 3. Secure compliance with the requirements of the Federal Clean Air Act;

~~((3.))~~ 4. Prevent injury to plant and animal life and to property;

~~((4.))~~ 5. Foster the comfort and convenience of its inhabitants;

~~((5.))~~ 6. Promote the economic and social development of Benton County; and

~~((6.))~~ 7. Facilitate the enjoyment of the natural attractions of Benton County.

B. The purpose of Regulation 1 is to establish technically feasible and reasonably attainable standards and to establish rules applicable to the control and/or prevention of the emission of air contaminants.

C. ~~((It is further t))~~The intent of Regulation 1 is to protect the public welfare, to preserve visibility, to protect scenic, aesthetic, historic, and cultural values, and to prevent air pollution problems that interfere with the enjoyment of life, property, or natural attractions.

D. The Agency intends to implement and enforce the state regulation chapter 70.94 RCW. Wherever Regulation 1 ~~((constitutes a))~~ ~~restate((ment of))~~s the requirements and purposes of chapter ~~((RCW))~~ 70.94 RCW it is the intent of the ~~((BCAA))~~ Agency that Regulation 1 be interpreted in the same manner as the enabling statute. ~~((adopted by the Washington State Legislature. Any deviation from the statute, except where the statute allows BCAA to be more stringent, is intended for purposes of clarity.))~~

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Benton Clean Air 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.

New

Section 1.03 Applicability

[Statutory Authority: RCW 70.94.141, RCW 70.94.395, and RCW 70.94.422 RCW]

A. The Agency implements and enforces the Washington Administrative Code State Air Pollution Control rules adopted by Ecology in Title 173 under chapter 70.94 RCW, as in effect now and including all future amendments. State air rules apply except where specific provisions of ~~((BCAA))~~ Benton Clean Air Agency Regulation 1 apply.

B. The provisions of this regulation ~~((shall))~~ apply within Benton County of Washington State.

C. The Agency is authorized to enforce this regulation and may also adopt standards or requirements. These standards or requirements may not be less stringent than the current state air quality rules and may be more stringent than the current regulations.

D. The Agency does not have jurisdiction over the following sources:

- 1. Specific source categories over which the State assumes jurisdiction.
- 2. Automobiles, trucks, aircraft, chemical pulp mills and primary aluminum reduction facilities.
- 3. Sources under the jurisdiction of the Energy Facility Site Evaluation Council (EFSEC) through chapter 80.50 RCW.

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.

ARTICLE 2

General Provisions

ADOPTED: 17-Feb-2005; EFFECTIVE: 9-Apr-2005; AMENDED XX 2014

Proposed

Amended

Section 2.01 ((Establishment of the Board of Directors)) Powers and Duties of the Benton Clean Air Agency (BCAA)

[Statutory Authority: RCW 70.94.081, and RCW 70.94.141.]

RCW 70.94.081 deems Benton Clean Air Agency a municipal corporation with the following authorities:

- A. Right to perpetual succession;
- B. Adopt and use a seal;
- C. Sue and be sued in the name of the Agency in all courts and in all proceedings;
- D. Receive, account for, and disburse funds;
- E. Employ personnel; and
- F. Acquire or dispose of any interest in real or personal property within or without the Agency in the furtherance of its purposes.
- G. The Board will have all the powers and duties of Section 2.02 of this Regulation and of an activated air pollution control authority under RCW 70.94.081 and 70.94.141.

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.

Amended

Section 2.02 ((Powers and Duties of the BCAA

~~As per RCW 70.94.141, the BCAA shall be deemed a municipal corporation; have right to perpetual succession; adopt and use a seal; may sue and be sued in the name of the BCAA in all courts and in all proceedings; and, may receive, account for, and disburse funds, employ personnel, and acquire or dispose of any interest in real or personal property within or without the BCAA in the furtherance of its purposes.))~~

Requirements for Board of Directors Members

[Statutory Authority: RCW 70.94.100]

A. Public interest.

- 1. A majority of the members of the Agency's Board of Directors (Board) will represent the public interest.
- 2. A majority of the members of the Board will not derive a significant portion of their income from persons subject to enforcement orders pursuant to the State and Federal Clean Air Acts.
- 3. An elected public official and the Board will be presumed to represent the public interest. In the event that a member derives a significant portion of his/her income from persons subject to enforcement orders, he/she will delegate sole responsibility for administration of any part of the program that involves these persons to an assistant.

B. Disclosure.

- 1. Each member of the Board will disclose any potential conflict of interest in any matter prior to any action or consideration before the Board.
- 2. The member will remove themselves from participation as a Board member in any action, including voting on the matter.

3. The Board will remove the member from participation in the action if in the judgment of a majority of the Board the potential conflict of interest may prevent the member from a fair and objective review of the case.

C Definition of significant income. For the purposes of this Section, "significant portion of their income" means twenty percent of gross personal income for a calendar year. In the case of a retired person, "significant portion of income" will mean fifty percent of income in the form of pension or retirement benefits from a single source other than Social Security. Income derived from employment with local or state government will not be considered in the determination of "significant portion of income."

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Amended

Section 2.03 Powers and Duties of the Board of Directors

[Statutory Authority: RCW 70.94.130]

~~((A. The Board of Directors, hereinafter referred to as the Board, shall have all the powers and duties of Section 2.02 and of an activated air pollution control authority under RCW 70.94.081 and 70.94.141-~~

~~B)) A. Pursuant to the provisions of ((RCW)) Chapter 70.94, the Board ((shall)) will:~~

~~1. Establish ((such)) procedures and take such action ((as may be)) required to implement Regulation 1 consistent with federal, state, and local air pollution laws or regulations;~~

~~2. Take such action as may be necessary to prevent air pollution including control and measurement of the emission of air contaminant from a source; and~~

~~3. Appoint a Control Officer, in accordance with RCW 70.94.170, competent in the control of air pollution who ((shall)) will, with the Board's advice and approval, enforce the provisions of Regulation 1 and all ordinances, orders, resolutions, or rules and regulations of the ((BCAA)) Agency pertinent to the control and prevention of air pollution in Benton County.~~

~~((C)) B. Under RCW 70.94.141, t((F))he Board ((shall)) will have the power to:~~

~~((1. Hold hearings relating to any aspect of, or matter in, the administration of Regulation 1 and in connection therewith, issue subpoenas to compel the attendance of witnesses and production of evidence, administer oaths and take the testimony of any person under oath;~~

~~2. Adopt, amend and repeal its own ordinances, resolutions, rules, and regulations. Any adoption, amendment, or repeal of the Board's ordinances, resolutions, rules, and regulations shall be made after due consideration at a public hearing held in accordance with RCW 42.30;))~~

1. Adopt, amend, and repeal its own rules and regulations, implementing chapter 70.94 RCW and consistent with it, after consideration at a public hearing held in accordance with chapter 42.30 RCW. Rules and regulations will also be adopted in accordance with the notice and adoption proce-

dures set forth in RCW 34.05.320, those provisions of RCW 34.05.325 that are not in conflict with chapter 42.30 RCW, and with the procedures of RCW 34.05.340, 34.05.355 through 34.05.380, and with chapter 34.08 RCW, except that rules will not be published in the Washington Administrative Code. Judicial review of rules adopted by the Agency will be in accordance with Part V of chapter 34.05 RCW;

2. Hold hearings relating to any aspect of or matter in the administration of chapter 70.94 RCW not prohibited by the provisions of Chapter 62, Laws of 1970 ex. sess. and in connection therewith issue subpoenas to compel the attendance of witnesses and the production of evidence, administer oaths and take the testimony of any person under oath;

3. Issue such notices, orders, permits, or determinations as may be necessary to effectuate the purposes of federal, state, or local air pollution laws or regulations and enforce the same by all appropriate administrative and judicial proceedings subject to the rights of appeal as provided in chapter 62, Laws of 1970 ex. sess.;

4. Require access to records, books, files and other information specific to the control, recovery or release of air contaminants into the atmosphere;

5. Secure necessary scientific, technical, administrative and operational services, including laboratory facilities, by contract or otherwise;

6. Prepare and develop a comprehensive plan or plans for the prevention, abatement and control of air pollution within its jurisdiction;

7. Encourage voluntary cooperation by persons or affected groups to achieve the purposes of federal, state and local air pollution laws or regulations;

8. Encourage and conduct studies, investigation and research relating to air pollution and its causes, effects, prevention, abatement and control;

9. Collect and disseminate information and conduct educational and training programs relating to air pollution;

10. Advise, consult, cooperate and contract with:

a. State agencies, departments, and educational institutions;

b. Other political subdivisions, other states, interstate or interlocal agencies, and the United States government; and

c. Industries, interested persons or groups;

11. Consult, upon request, with any person proposing to construct, install, or otherwise acquire an air contaminant source or device or system for the control thereof, concerning the efficacy of such device or system, or the air pollution problems which may be related to the source, device or system.

Nothing in any such consultation ((shall)) will be construed to relieve any person from compliance with any federal, state, or local law or regulation in force pursuant thereto, or any other provision of law; and

12. Accept, receive, disburse and administer grants or other funds or gifts from any source, including public and private agencies and the United States government for carrying out any of the functions any federal, state, or local law or regulation.

13. Exception to powers of the Agency: The Agency may not hold adjudicative proceedings pursuant to the Administrative Procedures Act, chapter 34.05 RCW. Deci-

sions and orders may be appealed to the Pollution Control Hearings Board as provided in WAC 173-400-250.

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Amended

Section 2.04 Powers and Duties of the Control Officer

[Statutory Authority: RCW 70.94.141, RCW 70.94.170, RCW 70.94.200 RCW]

A. The Control Officer and duly authorized representatives of the ~~((BCAA))~~ Agency ~~((shall))~~ will observe and enforce applicable federal, state, and local air pollution laws and regulations and all orders, ordinances, resolutions, or rules and regulations of the ~~((BCAA))~~ Agency pertaining to the control and prevention of air pollution pursuant to the policies set down by the Board.

B. The Control Officer, with the approval of the Board, ~~((shall))~~ will have the authority to appoint and remove such staff persons as are necessary to the performance of the duties assigned and to incur necessary expenses within the limitations of the budget.

C. The Control Officer ~~((shall))~~ will maintain appropriate records and submit reports as required by the Board, state agencies, and federal agencies.

D. The Control Officer may engage, at the ~~((BCAA))~~ Agency's expense, within the limitation of the budget, qualified individuals or firms to make independent studies and reports as to the nature, extent, quantity or degree of any air contaminants that are or may be discharged from any source within Benton County.

E. As authorized under RCW 70.94.200, for the purpose of investigating conditions specific to the control, recovery or release of air contaminants into the atmosphere, the Control Officer and duly authorized representatives of the ~~((BCAA))~~ Agency ~~((shall))~~ will have the power to enter, at reasonable times, upon any private or public property, excepting non-multiple unit private dwellings housing two (2) families or less. No person ~~((shall))~~ may refuse entry or access to the Control Officer or duly authorized representatives of the ~~((BCAA))~~ Agency who request entry for the purpose of inspection and who presents appropriate credentials, nor ~~((shall))~~ may any person obstruct, hamper or interfere with any such inspection.

F. If the Control Officer or a duly authorized representative of the ~~((BCAA))~~ Agency during the course of an inspection desires to obtain a sample of air contaminant, fuel, process material or other material that affects or may affect the emission of air contaminants, the Control Officer or a duly authorized representative ~~((shall))~~ will:

1. Notify the owner or operator of the time and place of obtaining a sample so the owner or operator has the opportunity to take a similar sample at the same time and place; and
2. ~~((shall))~~ Will give a receipt to the owner or operator for the sample obtained.

G. The Control Officer ~~((shall))~~ will be empowered by the Board to sign official complaints, issue citations, initiate court suits, or use other legal means to enforce the provisions of ~~((Regulation 1))~~ all ordinances, orders, resolutions, or rules and regulations of the Agency pertinent to the control and prevention of air pollution in Benton County.

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Amended

Section 2.05 (~~Confidential Information~~)

~~A. The owner, operator, or agent of the owner or operator submitting any information to the BCAA is responsible for clearly identifying information that is considered proprietary and confidential prior to submittal to the BCAA. Information submitted to the BCAA that has not been identified as confidential at the time of submittal may not be classified as confidential at a later date.~~

~~B. Confidential information submitted to the BCAA by an owner, operator, or agent of the owner or operator, shall be stamped or clearly marked in red ink at the time of submittal. Such information shall be handled as confidential, and shall be maintained by the BCAA, to the extent that release of such information may provide unfair economic advantage or compromise processes, products, or formulations to competitors as provided under RCW 70.94.205. Such information shall be released to the public only after:~~

~~1. Legal opinion by the BCAA's legal counsel; and~~

~~2. Notice to the source of the intent to either release or deny the release of information.~~

~~C. Records or other information certified as confidential shall be only for the confidential use of the BCAA as provided in RCW 70.94.205, provided that:~~

~~1. The records or other information is related to processes or production and unique to the owner or operator, except ambient air quality data or emission data; or~~

~~2. The records or other information is likely to affect adversely the competitive position the source if released to the public or to a competitor.~~

~~D. Emissions data furnished to or obtained by the BCAA shall be correlated with applicable emission limitations and other control measures and shall be available for public inspection during normal business hours at the office of the BCAA.)~~

Severability

[Statutory Authority: chapter 43.21B RCW]

The provisions of this regulation are severable. If any provision, meaning phrase, clause, subsection or section, or its application to any person or circumstance is held to be invalid by any court of competent jurisdiction, the application of such provision to other circumstances and the remainder of the regulation to other persons or circumstances will not be affected

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.

Amended

Section 2.06 ((Violations

~~A. At least thirty (30) days prior to the commencement of any formal enforcement action under RCW 70.94.430 or RCW 70.94.431 the BCAA shall cause written notice to be served upon the alleged violator or violators. The notice:~~

~~1. Shall specify the provision of the federal, state, or local air pollution law or regulation alleged to be violated and the facts alleged to constitute a violation thereof;~~

~~2. Shall offer to the alleged violator an opportunity to meet with the BCAA prior to the commencement of a formal enforcement action; and~~

~~3. May include an order directing that necessary corrective action be taken within a reasonable time. In lieu of an order, the Board or Control Officer may require that the alleged violator appear before the Board for a hearing.~~

~~B. Each act of commission or omission which procures, aids, or abets in the violation shall be considered a violation and be subject to the same penalty.~~

~~C. In case of a continuing violation, whether or not knowingly committed, each day's continuance shall be a separate and distinct violation.))~~

Confidentiality of Records and Information

[Statutory Authority: RCW 70.94.205]

Whenever any records or other information, other than ambient air quality data or emission data, furnished to or obtained by the Agency, relate to processes or production unique to the owner or operator, or is likely to affect adversely the competitive position of such owner or operator if released to the public or to a competitor, and the owner or operator of such processes or production so certifies, such records or information will be only for the confidential use of the Agency. Nothing herein will be construed to prevent the use of records or information by the Agency in compiling or publishing analyses or summaries relating to the general condition of the outdoor atmosphere: PROVIDED, That such analyses or summaries do not reveal any information otherwise confidential under the provisions of this Section: PROVIDED FURTHER, That emission data furnished to or obtained by the Agency will be correlated with applicable emission limitations and other control measures and will be available for public inspection during normal business hours at offices of the Agency.

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.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Benton Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

The following sections are rescinded:

Section 2.07 Orders, Notices, Permits, and Determinations – Finalization, Appeals, Stays, and Judicial Review
Section 2.08 Falsification of Statement or Document, Unlawful Alteration of Documents, Display of Documents and Their Removal, or Mutilation Prohibited
Section 2.09 Severability
Section 2.10 Penalties and Penalty Procedures
Section 2.11 Other Enforcement Actions

ARTICLE 3

((Reserved)) Industrial Source Regulations

New

ADOPTED: XX 2014; EFFECTIVE: XX 2014

[Statutory Authority RCW 70.94.141]

PURPOSE: This Article establishes controls on incinerator operations and Surface Coating operations in Benton County in order to reduce particulate emissions, reduce public exposure to Toxic Air Pollutants as listed in Chapter 173-460 WAC, and to encourage pollution prevention in Benton County.

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.

New

Section 3.01 Incinerator Burning and Incineration Hours

A. The Agency implements and enforces WAC 173-400-050, in Benton County in addition to Parts B through E of this Section. The more stringent requirement in WAC 173-400-050 or Section 3.01 of this Regulation supersedes the lesser.

B. It is unlawful for any person to burn any combustible refuse in any incinerator within the jurisdiction of this Agency except in an approved multiple-chambered incinerator or in equipment found by the Control Officer in advance of such use to be equally effective for the purpose of air pollution control. The Control Officer may require the installation of additional control apparatus on an incinerator of approved design, if he/she finds that it is not effectively controlling air pollution emissions or is the cause of legitimate complaints.

C. It is unlawful for any person to cause or allow the operation of an incinerator at any time other than daylight hours, except with the approval of the Control Officer.

D. Approval of the Control Officer for the operation of an incinerator at other than daylight hours may be granted upon the submission of a written request stating:

1. Full name and address of the applicant;
2. Location of the incinerator;
3. A description of the incinerator and its control equipment;
4. Good cause for issuance of such approval;
5. The hours, other than daylight hours, during which the applicant seeks to operate the equipment; and
6. The length of time for which the exception is sought.

E. No one may install or operate an "Air Curtain Incinerator" or "Wigwam Burner" within the Agency's jurisdiction.

New

Section 3.02 General Surface Coating

A. Purpose. This Section establishes controls on surface coating operations in Benton County in order to:

1. Reduce particulate emissions from coating overspray;
2. Reduce public exposure to Toxic Air Pollutants as listed in Chapter 173-460 WAC;
3. Reduce emissions of precursors to the formation of tropospheric ozone and other photochemical oxidants; and
4. Encourage pollution prevention.

B. Applicability. This Section applies to all surface preparation, surface coating, cleanup, and disposal associated with general surface coating in Benton County, unless specifically exempted.

C. Definitions. Unless a different meaning is clearly required by context, words and phrases used in this Section have the following meaning:

1. Airless Spray means a spraying system that uses hydraulic atomization instead of air atomization. The coating is supplied to the gun under high fluid pressure between 1000 and 3000 psig and the coating is forced through a small orifice.
2. Air-Assisted Airless Spray means a spraying system that combines air and airless features. An airless type fluid tip atomizes the paint and shapes the fan pattern at fluid pressures between 300 and 1000 psig. Lower pressure air from 10 to 30 psig combines at the spray cap to adjust the fan shape to eliminate heavy edges (tails).
3. Automated means the technique, method, or system of operating or controlling a process by mechanical, electrical, hydraulic, or electronic means independent of human intervention.
4. Brush Coat Application means manual application of coatings by use of a paint brush.
5. Coating means a material or formulation of materials that is applied to or impregnated into a surface in order to beautify, protect, enhance the function, or otherwise cover the surface.
6. Container means the individual receptacle that holds a coating or coating component for storage and distribution.
7. Dip Coat Application means application of coatings in which the surface to be coated is immersed in a solution (or dispersion) containing the coating material and withdrawn.
8. Electrostatic Application means application of coatings where an electrostatic potential is created between the part to be coated and the paint particles.
9. Exempt Solvent means a solvent or solvent component, which is not a volatile organic compound (VOC).
10. Flow Coat Application means application of coatings by flowing the coating over the surface to be coated and draining the excess coating to a collection system.
11. High Volume, Low Pressure (HVLP) or Low Volume, Low Pressure (LVLP) coating system means equipment used to apply coatings by means of a spray gun which operates between 0.1 and 10.0 pounds per square inch gauge air pressure measured at the nozzle and that exhibits a minimum transfer efficiency of 65%, as applied.

12. Light Duty Vehicle means a passenger car, truck, van, or other motor vehicle which has a gross vehicle weight of 8500 pounds or less, or components thereof.

13. Multi-Coat System means a coating system where more than one product or coat is sequentially applied to the same surface and generally consists of a pigmented base coat, one or more semi-transparent mid-coats, and a transparent clear coat. The VOC content for a multi-coat system are calculated as follows:

$$VOC_{TM} = \frac{VOC_{BC} + VOC_{X1} + VOC_{X2} + \dots + VOC_{Xn} + 2VOC_{CC}}{n+3}$$

where:

VOC_{TM} is the average sum of the VOC content, as applied to the surface, in a multi-coat system; and
 VOC_{BC} is the VOC content, as applied to the surface, of the base coat; and
 VOC_X is the VOC content, as applied to the surface, of each sequentially applied mid-coat; and
 VOC_{CC} is the VOC content, as applied to the surface, of the clear coat (Two coats are applied); and
 n is the total number of coats applied to the primer coat(s) surface.

14. Pre-packaged Aerosol Can Application means application of coatings from cans which are sold by the coating supplier as non-reusable, hand-held pressurized containers. The coating is expelled as a finely divided spray when a valve on the container is depressed.

15. Primer means any coating that is applied to a surface to enhance corrosion resistance, protection from the environment, functional fluid resistance, and adhesion of subsequently applied coatings.

16. Reducer means any solvent added to a coating which has the effect of reducing the viscosity of the coating or shortening the drying time.

17. Refinishing means reapplying coating to a surface to repair, restore, or alter the finish.

18. Roll Coat Application means manual application of coatings by the use of a paint roller.

19. Solvent Consumption means the volume of solvent purchased or otherwise procured, less the volume recycled or disposed. In the absence of records which document the transfer of solvent to an authorized recycler or waste hauler, solvent consumption means the volume of solvent purchased or otherwise procured.

20. Standard engineering practices means that accepted, peer reviewed sets of criteria are used in designing equipment (i.e. Uniform Building, Electrical, and Fire Codes, recommendations of the American Conference of Governmental Industrial Hygienists, guidelines of the Department of Labor and Industry, etc.).

21. Surface Coating means the application of coating to a surface.

22. VOC Content means pounds of VOC per gallon of coating (Lb/Gal) or grams of VOC per liter of coating (G/L),

minus water and exempt solvents. The VOC content is calculated as follows:

$$\text{VOC}_{\text{CT}} = \frac{W_{\text{V}}}{V_{\text{M}} - V_{\text{W}} - V_{\text{ES}}}$$

where:

VOC_{CT} is the VOC content of the coating, as applied to the surface; and

W_{V} is the weight of VOC per unit volume of coating, as applied to the surface; and

V_{M} is the unit volume of coating, as applied to the surface; and

V_{W} is the volume of water per unit volume of coating, as applied to the surface; and

V_{ES} is the volume of exempt solvents per unit volume of coating, as applied to the surface.

23. Wash Solvent means any solution, solvent, suspension, compound, or other material, excluding water that is used to clean spray equipment, spray equipment lines, containers, and any other equipment associated with the application of coatings.

24. Wipe-Down Agent means any solution, solvent, suspension, compound, or other material that is applied to a surface exclusively for cleaning the surface or preparing the surface for coating.

D. Prohibitions on emissions

1. No person may cause or allow the application of any coating which contains greater than 0.1% by weight of one or more compounds of lead or hexavalent chromium.

2. Light duty vehicle refinishing - prohibitions on VOC content. Except as provided in Section 3.02.F of this Regulation, no person may cause or allow the application of any coating or other agent to any light duty vehicle or light duty vehicle component, with a VOC content in excess of the limits listed in 40 CFR 59, Subpart B, Table 1 - EPA National Volatile Organic Compound Emission Standards for Automobile Refinish Coatings.

E. Requirements. All persons subject to the requirements of Section 3.02 of this Regulation must comply with all of the following, unless exempted under Section 3.02.F of this Regulation.

1. Enclosure and Controls - Spray application must be conducted in a booth or area which is vented to an operating particulate control system. The particulate control system, including filtration, ducting, and fan must be installed and sized according to standard engineering practices. Acceptable filtration methods may include:

a. Filter banks supplied with filter media designed for spray booth applications.

b. Water baths where the inlet air flow to the water bath is submerged.

c. Water wall systems that form a continuous water curtain through which the particulate flow stream must pass.

d. Other filtration methods that have received the prior written approval of the Control Officer.

The control system must be equipped with a fan which is capable of capturing all visible overspray. Emissions from the booth/area must be vented to the atmosphere through a vertical stack. The top of the exhaust stack/vent must be at least 6 feet above the penetration point of the roof, or if the exhaust stack/vent exits horizontally out the side of the building, then the exhaust stack/vent must vent vertically at least 6 feet above the eave of the roof. A higher stack/vent may be required if the Agency determines that it is necessary for compliance with WAC 173-400-040. There must be no flow obstruction (elbows, tees, or stack caps) inside of, or at the top of, the stack that will impede upward vertical flow of the exhausted air.

It is the owner/operator's responsibility to comply with other applicable federal, state, and local regulations for the stack/vent.

2. Visible Emissions - Visible emissions from the stack may not exceed 10% opacity averaged over any six minute period, as determined by EPA Method 9.

3. Application methods - Except as provided in Section 3.02.F. of this Regulation, no person may cause or allow the application of any coating or other agent containing VOC unless the coating or agent is applied by one of the following methods:

a. High Volume, Low Pressure coating system;

b. Low Volume, Low Pressure coating system;

c. Wet or Dry electrostatic application;

d. Flow coat application;

e. Dip coat application;

f. Brush coat application;

g. Pre-packaged aerosol can application;

h. Roll coat application;

i. A spraying technique that when tested, using the methodology presented in ASTM Standard D 5327-92, or when test documentation, provided to and approved by the Agency, exhibits that the spraying technique has a transfer efficiency of at least 65%;

j. Alternate application methods that have received the written approval of the Control Officer. Such alternate methods may be used, provided that the owner or operator makes a written request to use an alternate method and the Control Officer grants approval. These methods include but are not limited to the following application methods and circumstances:

1) Airless and Air-Assisted Airless Spray systems may be used under any of the following circumstances:

(a) when the volatile organic compound (VOC) emissions are determined by the Control Officer to be no more than VOC emissions that would be generated by a spray application with a transfer efficiency of 65%;

(b) when the spraying operation is automated;

(c) when spray painting structural steel members where the coating, as formulated by the coating manufacturer, does not require addition of reducers to spray, and is delivered under high pressure (> 1,000 psig for airless, or > 300 psig for air-assisted airless) to the application system; or

(d) where the Control Officer has determined that the coating cannot be feasibly applied with a method that has a minimum transfer efficiency of 65%.

4. Equipment Cleanup - Equipment cleanup and any other use of wash solvent must be totally enclosed during washing, rinsing, and draining; or wash solvent, after making contact with the equipment being cleaned, must be immediately drained to a closed sump which is an integral part of the cleaning system.

5. General Clean-up

a. All unused or partially used containers of coatings, wipe-down agents, wash solvents, reducers, and waste materials containing VOC must be closed, except when in use, when being filled or emptied.

b. Spills must be cleaned up upon discovery and the clean-up materials and collected waste must be stored in closed metal containers.

c. All disposable materials which contain VOCs associated with wipe-down or application of coatings and other agents must be stored in closed metal containers for disposal.

6. Recordkeeping. All persons subject to Section 3.02 of this Regulation must maintain the following records for the previous 24-month period at the place of business where surface coating is performed:

a. The most current material safety data sheets (MSDS) or other data sheets which clearly indicate the VOC content of the product and of any multi-coat system.

b. Records of purchases and usage, including unused materials returned to the supplier.

1) Light duty vehicle refinishing. Annual purchases and usage of total primers, total top coats, total clear coats, and total gun cleaner. Usage must be reported "as applied", i.e. after reducing and catalyzing, if applicable.

2) Other surface coating facilities. Annual purchases and usage of individual coatings, coating additives, wipe-down agents, wash solvents, reducers, there materials containing volatile organic compounds or volatile toxic air pollutants.

c. Waste materials disposal records, including volumes of waste solvents and coatings transferred in sealed containers to authorized waste haulers.

F. Exceptions. Exceptions to Section 3.02 of this Regulation must be made as follows:

1. Noncommercial exemption. Nothing in Section 3.02 of this Regulation may apply to surface coating operations conducted solely for personal, noncommercial purposes if, on a facility-wide basis, less than 5 gallons of surface coatings are applied per year.

2. Coating process exemptions. Nothing in Section 3.02 of this Regulation applies to the following coating processes:

a. The application of architectural coatings to stationary structures and their appurtenances, to mobile homes, to pavements, or to curbs;

b. Fiberglass resin application operations;

c. Gel coating operations;

d. The application of asphaltic or plastic liners. This includes undercoating, sound deadening coating, and spray on bed lining for trucks;

e. Spray plasma plating operations; or

f. Application of coatings to farming equipment.

3. Low usage exemption. Nothing in Sections 3.02.E.3 & 4 applies to surface coating operations which, on a facility-wide basis, apply less than 10 gallons per year of surface coatings.

4. Exemption for large objects. Nothing in Subsection 3.02.E.1. of this Regulation applies to the infrequent outdoor surface coating of large objects where the Control Officer determines that it is impractical to totally enclose the object inside a booth or vented area. The request for this exemption must be made in writing to the Control Officer and the approval must be in writing. Infrequent means outdoor spray surface coating that amounts to 10% or less of the total annual gallons of paint applied at the facility in the previous 12 months. Annual records must be kept of the number of gallons of paint that are sprayed outdoors. In such case, a temporary enclosure (tarps) must be maintained around the object during the surface coating operation, sufficient at all times to prevent overspray from remaining airborne beyond the property line of the facility.

5. Wash solvent exemption. Nothing in Subsection 3.02.E.4. of this Regulation applies to:

a. the use of wash solvents with composite vapor pressure of organic compounds less than 45 mm Hg at 20°C as determined by ASTM Method D-2306-81; or

b. wash solvent operations if total wash solvent consumption does not exceed 10 gallons per year.

6. Stack exemption. The stack/vent requirements in Subsection 3.02.E.1. of this Regulation does not apply to surface coating operations where the owner or operator can demonstrate to the satisfaction of the Control Officer that emissions of toxic air pollutants will not exceed the Acceptable Source Impact Levels as defined in WAC 173-460-150 & 160 and emissions will not create a nuisance.

7. Non-spray and aerosol can application exemption. Nothing in Subsection 3.02.E.1 of this Regulation applies to the application of any coating or other agent from pre-packaged aerosol cans, flow coat, dip coat, brush coat, or roll coat applications.

8. Low VOC content exemption. Nothing in Subsection 3.02.E.3 of this Regulation applies to the application of coatings where the VOC content does not exceed 2.1 Lb/Gal or 250 G/L.

9. Lead or Hexavalent Chrome exemption. The prohibition in Subsection 3.02.D.1 of this Regulation does not apply to a surface coating operation where the control officer determines that no practical alternative coating is available.

10. Enclosure and/or particulate control exemption: The enclosure and/or particulate control requirements of Subsection 3.02.E.1 of this Regulation does not apply to a surface coating operation where the control officer determines that such requirements would be ineffective, or unreasonable in capturing or controlling particulate or volatile organic compounds emissions from the facility.

11. Inside exhaust exemption: If the Department of Labor & Industries or another agency of jurisdiction determines that the emissions from a surface coating operation to an inside work area are below the threshold where an exhaust system is required and the Fire Department or District of jurisdiction has no objection, then the Control Officer may grant an exemption to Subsection 3.02.E.1 of this Regulation.

G. Compliance with other laws and regulations: Compliance with Section 3.02 of this Regulation or qualifying for an exemption in Section 3.02.F. of this Regulation does not necessarily mean that the surface coating operation complies

with fire protection, waste disposal, or other federal, state, or local applicable laws or regulations.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Benton Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

New

Section 3.03 General Air Pollution Control for Industrial Sources

A. Air Pollution sources not specifically regulated in this Section are regulated by the current 173-400 WAC General Regulations for Air Pollution Sources and 173-460 WAC Controls for New Sources of Toxic Air Pollutants.

B. In addition to the source-specific requirements in this Section, requirements of Article 9 Source Registration of this Regulation apply.

ARTICLE 4

((Reserved)) General Standards for Particulate Matter

New

ADOPTED: XX 2014; EFFECTIVE: XX 2014

[Statutory Authority: RCW 70.94.141]

PURPOSE: This Article is intended to prevent and reduce fugitive dust emissions from projects which destabilize soil in Benton County.

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.

New

Section 4.01 Definitions

A. "Fugitive dust" means a particulate emission made airborne by forces of wind, human activity, or both. Unpaved roads, construction sites, and tilled land are examples of areas that originate fugitive dust. Fugitive Dust is a type of fugitive emissions.

B. "Fugitive emissions" means emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

C. "Destabilization project" means construction, repair, or demolition of any building or road, or landscaping work on a property, which destabilizes the soil and thus has potential for fugitive dust emissions.

D. "Emergency" means: 1) Active operations conducted during emergency, life threatening situations, or in conjunction with an officially declared disaster or state of emergency; or 2) Active operations conducted by public service utilities to provide electrical, natural gas, telephone, water, or sewer service during emergency outages.

E. "Facility" means any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative).

New

Section 4.02 Particulate Matter Emissions

A. **Fallout.** No person may cause or allow the emission of particulate matter from any source to be deposited beyond the property under direct control of the owner or operator of the source in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material is deposited.

B. **Fugitive emissions.** The owner or operator of any emissions unit or operation engaging in materials handling, construction, demolition or other operation which is a source of fugitive emission.

C. Must take reasonable precautions to prevent the release of air contaminants from the operation located in an attainment or unclassifiable area and not impacting any non-attainment area.

D. Are required to use reasonable and available control methods. If the emissions unit has been identified as a significant contributor to the nonattainment status of a designated nonattainment area. The methods must include any necessary changes in technology, process, or other control strategies to control emissions of the air contaminants for which nonattainment has been designated.

E. Fugitive dust

1. The owner or operator of a source, including developed or undeveloped property, or activity that generates fugitive dust must take reasonable precautions to prevent that fugitive dust from becoming airborne and must maintain and operate the source to minimize emissions.

2. These reasonable precautions may include, but are not limited to watering, chemical stabilizers, physical barriers, compaction, gravel, vegetative stabilization, mulching and keeping open areas to a minimum.

The owner or operator of any existing source or activity that generates fugitive dust that has been identified as a significant contributor to a PM-10 or PM-2.5 nonattainment area is required to use reasonably available control technology to control emissions. Significance will be determined by the criteria found in WAC 173-400-113(4).

D. Project Notification

1. Applicability. The owner or operator of any destabilization project must notify the Agency of the project.

2. Exemptions.

a. Any project at an existing facility;

b. Any emergency project; and

c. Any agricultural operation.

3. Requirements. The notification must include all of the following:

a. At least two contact phone numbers for those responsible for mitigating fugitive dust 24 hours a day.

b. The Benton County Parcel ID for each parcel affected by the destabilization project.

c. A statement, signed by the owner or operator of the site, accepting responsibility for controlling fugitive dust emissions.

E. Dust Control Plans

1. Applicability. The owner or operator of any destabilization project must maintain a written dust control plan for the project and make the dust control plan readily available.

- 2. Exemptions.
 - a. Any project at an existing facility.
 - b. Any emergency project.
 - c. Any agricultural operation.
- 3. Dust Control Plan Requirements.
 - a. Dust control plans must identify management practices and operational procedures which will effectively control fugitive dust emissions.
 - b. Dust control plans must contain the following information:
 - i. A detailed map or drawing of the site;
 - ii. A description of the water source to be made available to the site, if any;
 - iii. A description of preventive dust control measures to be implemented, specific to each area or process; and
 - iv. A description of contingency measures to be implemented in the event any of the preventive dust control measures become ineffective.
 - c. An owner or operator must implement effective dust control measures outlined in dust control plans.
 - d. The owner or operator must provide the Agency with a copy of the plan within two business days of it being requested.
- 4. Master Dust Control Plan.
 - a. As an alternative to a site dust control plan, an owner or operator may develop a master dust control plan that applies to more than one site or project. The master plan must:
 - i. Address all the requirements in Section 4.02.E.3 of this Regulation; and
 - ii. Provide for effective control of fugitive dust emissions to all sites and projects.
 - iii. Prior to the commencement of work at any site or project covered by the master plan, the owner or operator must notify the Agency according to Section 4.02(D) of this Regulation

ARTICLE 5

Outdoor Burning

ADOPTED: 17-Feb-2005; EFFECTIVE: 9-Apr-2005;
 AMENDED: XX 2014

Amended

PURPOSE: This Article establishes controls on outdoor burning in Benton County in order to reduce particulate emissions and public exposure to Toxic Air Pollutants as listed in Chapter 173-460 WAC, in Benton County.

Amended

Section 5.01 Definitions

- A. Definitions of all terms in this article, unless otherwise defined below, are as defined in WAC 173-425-030.
- B. ((A)) "~~((b))~~Burn day" ~~((is))~~ means a day, as determined by the ~~((BCAA))~~ Agency, during which outdoor burning may take place in areas where ~~((open))~~ outdoor burning is allowed. The length of the burn day ~~((shall be))~~ is defined as the period from 9:00 AM until one hour before sunset.
 - ~~((1. BCAA shall make a burn day decision for residential burning that will be updated and provided daily.~~

- 2. BCAA shall make a burn day decision for agricultural burning that will be updated and provided daily.))
- C. ~~((A))~~ "~~((p))~~Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.
- D. ~~((An))~~ "Urban Growth Area" or "UGA" means land, generally including and associated with an incorporated city, designated by a county for urban growth under RCW 36.70A.030.

Amended

Section 5.02 (~~Outdoor Burning Requirements~~)

- A. General Requirements
 - 1. All outdoor burning shall be subject to the following:
 - a. The following materials shall not be burned in any outdoor fire: Garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, construction/demolition debris, metal, or any substance (other than natural vegetation) that normally releases toxic emissions, dense smoke, or obnoxious odors when burned;
 - b. No outdoor fire may contain material (other than firewood) that has been hauled from inside the UGA to a location outside the UGA;
 - c. If material is transferred from multiple locations outside the UGA to a single location outside the UGA, a special burning permit shall be obtained before burning the material;
 - d. No outdoor fire may be ignited:
 - i. When the Benton County Fire Marshall has declared a ban on burning due to fire safety; or
 - ii. During any stage of impaired air quality conditions, or during a forecast, alert, warning, or emergency air pollution episode declared under RCW 70.94.715.
 - e. Any person responsible for outdoor burning that is detrimental to the health, safety, or welfare of any person, that causes damage to property or business, or that causes a nuisance, shall immediately extinguish the fire;
 - f. The use of an outdoor container, such as a "burn barrel", for burning, unless regulated under WAC 173-400-070(1), shall be prohibited throughout Benton County;
 - g. A person capable of extinguishing the fire shall attend it at all times, and the fire shall be extinguished before leaving it;
 - h. No fires are to be within fifty (50) feet of structures; and
 - i. Permission from a landowner, or owner's designated representative, shall be obtained before starting an outdoor fire.
 - 2. The BCAA shall approve with conditions, or deny, any outdoor burning permits as needed to comply with state and local air pollution rules and regulations. All permits shall include conditions to satisfy the requirements in WAC 173-425-050, and may require other conditions, such as restricting the time period for burning, restricting permissible hours of burning, imposing requirements for good combustion practice, and restricting burning to specified weather conditions. The BCAA may also include conditions to comply with other state and local air pollution rules and regulations pertaining to outdoor burning.

~~3. Outdoor burning shall not be allowed on any construction or demolition site. However a special burning permit to demolish a structure may be issued for fire fighting instruction fires by fire protection districts.~~

~~4. Material, other than firewood, shall not be hauled or transferred from inside the UGA to an area outside the UGA for the purposes of burning.~~

~~B. Inside Urban Growth Areas~~

~~1. Residential and land clearing burning shall be prohibited inside all UGAs of Benton County, which include Kennewick, Richland, West Richland, Prosser, and Benton City.~~

~~2. A permit shall not be required to burn tumbleweeds that have been blown by the wind, if such burning can be conducted in accordance with the requirements of Section 5.02(A).~~

~~3. Fire fighting instruction fires to fight structural fires by fire protection districts inside UGAs shall require a written special burning permit.~~

~~C. Outside Urban Growth Areas~~

~~1. Residential burning may be conducted without obtaining a permit, if such burning can be conducted in accordance with the requirements of Section 5.02(A) and the following:~~

~~a. Before burning, the person responsible for the fire shall contact the BCAA to determine if it is a burn day;~~

~~b. Residential burns shall contain only material that was generated at the residence where the burn occurs;~~

~~c. The pile shall not be larger than four feet by four feet by three feet (4 ft x 4 ft x 3 ft);~~

~~d. Only one pile at a time shall be burned, and each pile shall be extinguished before lighting another; and~~

~~e. No outdoor fire shall be permitted within five hundred (500) feet of forest slash.~~

~~2. All land clearing burning outside of the UGA shall require a written special burning permit.~~

~~3. The BCAA may issue a special burning permit to fire protection districts for fire fighting instruction fires, unless such permits are exempted under Section 5.03(C).)~~

Special Burning Permits

A. All types of outdoor burning require a special burning permit, unless exempted in Section 5.02.F or 5.03 of this Regulation.

B. A request for special burning permit application for a special burning permit must be submitted at least five (5) working days before the proposed burning dates. Special burning permits are subject to a fee as described in Article 10 of this Regulation and payable at the time of application. Payment of the application fee does not guarantee the applicant that a special burning permit will be approved.

C. Any special burning permit issued by the Agency will specify restrictions and conditions on a case-by-case basis.

D. Permit holders must comply with all conditions listed in the permit.

E. Special burning permits are valid for a period not to exceed one (1) year.

F. The Agency will approve with conditions, or deny, any outdoor burning permits as needed to comply with state and local air pollution rules and regulations. All permits will include conditions to satisfy the requirements in WAC 173-425-050, and may require other conditions, such as restrict-

ing the time period for burning, restricting permissible hours of burning, imposing requirements for good combustion practice, and restricting burning to specified weather conditions. The Agency may also include conditions to comply with other state and local air pollution rules and regulations pertaining to outdoor burning.

G. A special burning permit will not be required by fire protection districts for firefighting instruction fires for training to fight:

1. Structural fires by fire protection districts outside the UGAs provided that the Agency Form *Fire Training Notification Outside Urban Growth Areas* is submitted and approved prior to conducting the training fire as provided in RCW 52.12.150;

2. Aircraft crash rescue fires as provided in RCW 70.94.650(5); or

3. Forest fires as provided in RCW 70.94.650.1.b.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Benton Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Amended

Section 5.03 ((Special Burning Permits

~~A. A request for special burning permit application for a special burn permit shall be submitted at least five (5) working days before the proposed burning dates. Special burning permits shall be subject to a fee as described in Article 10 and payable at the time of application. Payment of the application fee shall not guarantee the applicant that a special burning permit will be approved.~~

~~B. Any special burning permit issued by the BCAA shall specify restrictions and conditions on a case-by-case basis.~~

~~C. Special burning permits shall be valid for a period not to exceed one (1) year.~~

~~D. A special burning permit shall not be required by fire protection districts for fire fighting instruction fires for training to fight:~~

~~1. Structural fires by fire protection districts outside the UGAs provided that written notification shall be filed with the BCAA prior to conducting the training fire as provided in RCW 52.12.150;~~

~~2. Aircraft crash rescue fires as provided in RCW 70.94.650(5); or~~

~~3. Forest fires as provided in RCW 70.94.650(1)(b).)~~

Outdoor Burning Requirements

A. The person responsible for the fire must contact the Agency to determine if the type of burning to be conducted is permitted for the day and may not burn when the type of burning to be conducted is prohibited.

B. Inside Urban Growth Areas

1. Residential and land clearing burning is prohibited inside all UGAs of Benton County, which include but are not limited to Kennewick, Richland, West Richland, Prosser, and Benton City.

C. Outside Urban Growth Areas

1. Residential burning may be conducted without obtaining a permit, if such burning can be conducted in accordance

with the requirements of Section 5.03.E of this Regulation and the following:

a. Residential burning may only occur during permitted hours on a burn day;

b. Residential burns may contain only material that was generated at the residence where the burn occurs;

c. The pile may not be larger than four feet by four feet by three feet (4 ft. x 4 ft. x 3 ft.);

d. Only one pile at a time may be burned, and each pile must be extinguished before lighting another; and

e. No outdoor fire is permitted within five hundred (500) feet of forest slash.

D. Inside and Outside Urban Growth Areas

1. A permit is not required to burn tumbleweeds that have been blown by the wind.

2. A permit is not required for recreational fires with a total fuel area that is less than three feet in diameter and/or two feet in height.

E. General Requirements

1. All outdoor burning is subject to the following:

a. The following materials may not be burned in any outdoor fire:

- Garbage;
- Dead animals;
- Asphalt;
- Petroleum products;
- Paints;
- Rubber products;
- Plastics;
- Paper (other than what is necessary to start a fire);
- Cardboard;
- Treated wood;
- Construction/demolition debris;
- Metal; or
- Any substance (other than natural vegetation) that normally releases toxic emissions, dense smoke, or obnoxious odors when burned.

b. No outdoor fire may contain material (other than firewood) that has been hauled from inside the UGA to a location outside the UGA;

c. If material is transferred from multiple locations outside the UGA to a single location outside the UGA, a special burning permit must be obtained before burning the material;

d. No outdoor fire may be ignited;

i. When the Benton County Fire Marshall has declared a ban on burning due to fire safety; or

ii. On a day when burning is not permitted by the Agency, during any stage of impaired air quality conditions, or during a forecast, alert, warning, or emergency air pollution episode declared under RCW 70.94.715.

e. It is unlawful for any person to cause or allow outdoor burning that causes an emission of smoke or any other air contaminant that is detrimental to the health, safety, or welfare of any person, that causes damage to property or business, or that causes a nuisance.

f. The use of an outdoor container for burning, such as a "burn barrel", for burning, unless regulated under WAC 173-400-070(1), is prohibited throughout Benton County;

g. A person capable of extinguishing the fire must attend it at all times, and the fire must be extinguished before leaving it;

h. No fires are to be within fifty (50) feet of structures; and

i. Permission from a landowner, or owner's designated representative, must be obtained before starting an outdoor fire.

j. Agricultural heating devices that otherwise meet the requirements of chapter 70.94 RCW will not be considered outdoor fires under this article.

2. Outdoor burning is not allowed on any construction or demolition site. However, Section 5.02.G of this Regulation provides requirements for demolition of a structure by a fire protection district for firefighting instructional purposes.

3. Material, other than firewood, may not be hauled or transferred from inside the UGA to an area outside the UGA for the purposes of burning.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Benton Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

New

Section 5.04 Benton Clean Air Agency Requirements

A. The Agency will make a daily decision determining the restriction on all types of outdoor burning.

ARTICLE 6 Agricultural Burning

ADOPTED: 17-Feb-2005; **EFFECTIVE:** 9-Apr-2005;
AMENDED: XX 2014

[Statutory Authority: chapter 70.74 RCW, RCW 70.94.6528]

PURPOSE: This Article establishes controls on agricultural burning in Benton County in order to reduce particulate emissions and public exposure to Toxic Air Pollutants as listed in Chapter 173-460 WAC, in Benton County.

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.

Amended

Section 6.01 Definitions

A. Definitions of all terms in this article, unless otherwise defined below, are as defined in WAC 173-430-030.

B. ((An "a)) "Agricultural burn day" is a day, as determined by the ((BCAA)) Agency, during which permitted agricultural burning may take place in areas where agricultural burning is allowed. The length of the burn day ((shall be)) is defined as the period from 9:00 AM until one hour before sunset. ((The BCAA shall make daily burn day decisions. The burn decision shall be provided daily.

C. ~~Incidental agricultural burning – Burning of organic debris related to agricultural activity requires a permit and a fee except for agricultural burning that is incidental to commercial agricultural activities (RCW 70.94.6524). An agricultural operation burning under the incidental agricultural burning exception must still notify the local fire department~~

within the area, the BCAA, and not burn during an air pollution episode or any stage of impaired air quality. The specific types of burning that qualify as exceptions to permit requirements are:)

C. "Incidental agricultural burning" means agricultural burning that meets all of the following conditions:

1. The burning is incidental to commercial agricultural activities.

2. The operator must notify the local fire department within the area and the Agency.

3. The burning does not occur during an air pollution episode or any stage of impaired air quality.

4. Burning must be limited to these specific items:

(+) a. "Orchard prunings": An orchard pruning is a routine and periodic operation to remove overly vigorous or nonfruiting tree limbs or branches to improve fruit quality, assist with tree canopy training and improve the management of plant and disease, and pest infestations;

(2) b. "Organic debris along fencelines": A fence-line or fencerow is the area bordering a commercial agricultural field that is or would be unworkable by equipment used to cultivate the adjacent field.

(3) c. "Organic debris along or in irrigation or drainage ditches": An irrigation or drainage ditch is a waterway which predictably carries water (not necessarily continuously) and is unworkable by equipment used to cultivate the adjacent field

(4) d. "Organic debris blown by the wind": The primary example is tumbleweeds.

(C-A-P) D. "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Benton Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Amended

Section 6.02 Agricultural Burning Permit

A. Agricultural Burning Permit Required

1. All agricultural burning, except for incidental agricultural burning, requires a written agricultural burning permit from the (BCAA) Agency. Agricultural burning permits (shall be) are subject to a fee as described in Article 10 of this regulation and payable at the time of application.

2. Agricultural burning (shall be) is allowed only on designated agricultural burn days.

3. It (shall be) is the responsibility of the person conducting agricultural burning to be informed of (any) additional fire safety rules (as determined) established by the Benton County Fire Marshall.

4. Permit holders must comply with all conditions listed in the permit.

B. Agricultural Burning Permit Not Required

1. Incidental agricultural burning, as defined in Section 6.01C of this regulation is ((6.01(C), shall be)) allowed without obtaining an agricultural burning permit from the (BCAA) Agency and on days that are not agricultural burn days, except when restricted by the Agency under the following conditions:

a. ((When t))The Benton County Fire Marshall ((has)) declared a ban on burning due to fire safety; or

b. During any stage of impaired air quality conditions, or during a forecast, alert, warning, or emergency air pollution episode ((declared under RCW 70.94.715.)); or

c. ((When wind speeds forecasted by t))The National Weather Service (NWS) in Pendleton Oregon forecasts surface wind speeds 20 mph or greater. ((are equal to or over 20 mph.))

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Benton Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

ARTICLE 7

Solid Fuel Burning Device

ADOPTED: 17-Feb-2005; **EFFECTIVE:** 9-Apr-2005;
AMENDED: XX 2014

[Statutory Authority: RCW 70.94.141; RCW 70.94.450-477]

PURPOSE: This Article establishes controls on solid fuel burning devices in Benton County in order to reduce particulate emissions and public exposure to Toxic Air Pollutants as listed in Chapter 173-460 WAC, in Benton County.

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.

Amended

Section 7.01 Definitions

A. Definitions of all terms in this article, unless otherwise defined, are as defined in WAC 173-433-030.

B. ((A-P)) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

C. "Solid fuel burning device" (same as solid fuel heating device) means a device that burns wood, coal, or any other nongaseous or non-liquid fuels, and includes any device burning any solid fuel, except those prohibited by ((Section 7.02(C-)) WAC 173-443-120. This also includes devices used for aesthetic or space-heating purposes in a private residence or commercial establishment, which has a heat input less than one (1) million BTU/hr.

D. "Woodstove" (same as "wood heater") means an enclosed solid fuel burning device capable of and intended for residential space heating and domestic water heating that meets the following criteria (in WAC 173-433-030(11-)) contained in "40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters" as amended through July 1, 1990:

1. An air-to-fuel ratio in the combustion chamber averaging less than 35.0, as determined by EPA Reference Method 28A;

2. A useable firebox volume of less than twenty cubic feet;

3. A minimum burn rate less than 5 kg/hr as determined by EPA Reference Method 28; and

4. A maximum weight of 800 kg, excluding fixtures and devices that are normally sold separately, such as flue pipe,

chimney, and masonry components not integral to the appliance.

5. Any combination of parts, typically consisting of but not limited to: Doors, legs, flue pipe collars, brackets, bolts and other hardware, when manufactured for the purpose of being assembled, with or without additional owner supplied parts, into a woodstove, is considered a woodstove.

E. "Fireplace" means: Any permanently installed masonry fireplace; or any factory-built metal solid fuel burning device designed to be used with an open combustion chamber and without features to control the air to fuel ratio.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Benton Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

Amended

Section 7.02 Solid Fuel Burning Device, Prohibitions

A. Within Benton County, a person ~~((shall))~~ may not advertise to sell, offer to sell, sell, bargain, exchange, give away, or install woodstoves, factory-built fireplaces, or other solid fuel burning devices that do not meet the requirements of WAC 173-433-100:

~~((1. Any uncertified solid fuel burning device that does not meet the requirements of WAC 173-433-100(3);~~

~~2. Any factory built fireplace that does not meet the 1990 EPA standards for woodstoves or equivalent standard established by the Washington State Building Code Council by rule; or~~

~~3. Any non-exempt solid fuel burning device.))~~

B. The Agency may declare first and second state air quality impairment in accordance with WAC 173-433-150. During those declarations, t((F))he use of any solid fuel burning device ((shall be)) is restricted as per ~~((the following))~~ WAC 173-433-150:

1. Whenever the Agency has declared the ((During a)) first stage impaired air quality conditions, declared under RCW 70.94.715, residences and commercial establishments with an ~~((alternate heat source))~~ adequate source of heat other than ~~((the))~~ a solid fuel burning device, ~~((shall))~~ may not operate ~~((the))~~ any solid fuel burning device, ~~((except if the))~~ unless the solid fuel burning device is:

a. A non-affected pellet stove; or

~~((b. An EPA certified woodstove as per WAC 173-433-030; or~~

~~e. A woodstove meeting the Oregon Department of Environmental Quality Phase 2 emissions standards))~~

b. A woodstove certified and labeled by the EPA under "40 CFR, 60 Subpart AAA - Standards of Performance for Residential Wood Heaters" as amended through July 1, 1990; or

c. A woodstove meeting the "Oregon Department of Environmental Quality Phase 2" emissions standards contained in Subsections (2) and (3) of Section 340-21-115, and certified in accordance with "Oregon Administrative Rules, Chapter 340, Division 21 - Woodstove Certification" dated November 1984.

~~((2. During second stage impaired air quality conditions, or during a forecast, alert, warning, or emergency air pollution episode, declared under RCW 70.94.715, residences and~~

~~commercial establishments with an alternate heat source other than the solid fuel burning device, shall not operate any solid fuel burning device.))~~

2. Whenever the Agency has declared the second stage of impaired air quality for a geographical area a person in a residence or commercial establishment within that geographical area with an adequate source of heat other than a solid fuel burning device must not operate any solid fuel burning device.

C. A person ~~((shall))~~ may not cause or allow any of the following materials to be burned in a solid fuel burning device, including fireplaces:

~~((1.))~~ • Garbage;

~~((2.))~~ • Treated wood, defined as wood of any species that has been chemically impregnated, painted, or similarly modified to prevent weathering and deterioration;

~~((3.))~~ • Plastic and plastic products;

~~((4.))~~ • Rubber products;

~~((5.))~~ • Animal carcasses;

~~((6.))~~ • Asphaltic products;

~~((7.))~~ • Waste petroleum products;

~~((8.))~~ • Paints and chemicals; or

~~((9.))~~ • Any substance which normally emits dense smoke or obnoxious odors other than paper to start the fire, properly seasoned fuel wood, or coal with sulfur content less than one percent (1.0%) by weight burned in a coal-only heater.

ARTICLE 8

Asbestos

ADOPTED: 17-Feb-2005; **EFFECTIVE:** 9-Apr-2005;
AMENDED: XX 2014

[Statutory Authority: RCW 70.94.141]

PURPOSE: This Article establishes controls on asbestos emissions primarily resulting from asbestos projects, renovation projects, and demolition projects in order to protect the public health in Benton County.

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.

Amended

Section 8.01 Definitions

~~A. Definitions of all terms in this article, unless otherwise defined below, are as defined in 40 CFR 61 Subpart M and 40 CFR Part 763 Subpart E.~~

~~B. "Demolition" means:~~

~~1. The wrecking or taking out of any load-supporting structural members of a facility or residential unit and any related handling operations; or~~

~~2. The intentional burning of any facility or residential unit.~~

~~C. "Emergency renovation operation" means a renovation operation that was not planned but results from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard, is necessary to protect equipment from damage, or is necessary to avoid imposing~~

an unreasonable financial burden. This term includes operations necessitated by non-routine failures of equipment.

D. "Facility" means any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing endominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to this subpart is not excluded, regardless of its current use or function.

E. "Owner or Operator" means any person who owns, leases, operates, controls, or supervises the facility or residential unit being demolished or renovated or any person who owns, leases, operates, controls, or supervises the demolition or renovation operation, or both.

F. "RACM" is regulated asbestos containing material as defined in 40 CFR 61 Subpart M

G. "Renovation" means:

1. Altering a facility
2. Altering one or more facility components in any way, including the stripping or removal of RACM from a facility component
3. Altering a residential unit
4. Altering one or more residential unit components in any way, including the stripping or removal of RACM from a residential unit component.

H. A "Residential Unit" is defined as any building with four or fewer dwelling units each containing space for uses such as living, sleeping, preparation of food, and eating that is used, occupied, or intended or designed to be occupied by one family as their domicile. This term includes houses, mobile homes, trailers, houseboats, and houses with a "mother-in-law apartment" or "guest room". This term does not include any facility that contains a residential unit.

CFR Adoption by Reference.

Regulation 1 The Agency adopts by reference:

A. 40 CFR Part 61 Subpart M "National Emission Standard for Asbestos," in effect on the date of this amendment; and

B. 40 CFR Part 763 Subpart E "Asbestos Containing Materials in Schools," in effect on the date of this amendment.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Benton Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Amended

Section 8.02 ((CFR Adoption by Reference

In addition to the provisions of Regulation 1, The BCAA adopts by reference:

A. 40 CFR Part 61 Subpart M "National Emission Standard for Asbestos"; and

B. 40 CFR Part 763 Subpart E "Asbestos Containing Materials in Schools";)

Asbestos Regulation

The Board of Directors of the Benton Clean Air Agency recognizes that airborne asbestos is a serious health hazard. Asbestos fibers released into the air can be inhaled and cause lung cancer, pleural mesothelioma, peritoneal mesothelioma or asbestosis. The Board of Directors has adopted this regulation to control asbestos emissions primarily resulting from asbestos projects, renovation projects, and demolition projects in order to protect the public health.

Amended

Section 8.03 ((General Requirements

A. The owner or operator of a demolition or renovation activity and before the commencement of the demolition or renovation shall thoroughly inspect the affected facility or residential unit where the demolition or renovation operation will occur for the presence of asbestos.

B. All Section 8.02 requirements shall apply to demolition and renovation activities at a facility or residential unit where the combined amount of RACM is:

1. Greater than forty-eight (48) square feet; or
2. Greater than ten (10) linear feet, unless the surface area of the pipe is greater than forty-eight (48) feet.)

Definitions

A. "AHERA Building Inspector" means a person who has successfully completed the training requirements for a building inspector established by United States Environmental Protection Agency (EPA) Asbestos Model Accreditation Plan: Interim Final Rule (40 CFR Part 763, Appendix C to Subpart E) and whose certification is current.

B. "AHERA Project Designer" means a person who has successfully completed the training requirements for an abatement project designer established by EPA Asbestos Model Accreditation Plan: Interim Final Rule (40 CFR Part 763, Appendix C to Subpart E) and whose certification is current.

C. "Asbestos" means the asbestiform varieties of actinolite, amosite (cummingtonite-grunerite), tremolite, chrysotile (serpentinite), crocidolite (riebeckite), or anthophyllite.

D. "Asbestos-Containing Material" means any material containing more than one percent (1%) asbestos as determined using the method specified in the EPA publication, Method for the Determination of Asbestos in Building Materials, EPA/600/R-93/116, July 1993 or a more effective method as approved by EPA. It includes all loose vermiculite (e.g., vermiculite attic insulation, vermiculite block fill) and any material presumed to be asbestos-containing.

E. "Asbestos-Containing Waste Material" means any waste that contains or is contaminated with asbestos-containing material. Asbestos-containing waste material includes asbestos-containing material that has been removed from a structure, disturbed, or deteriorated in a way that it is no longer an integral part of the structure or component, asbestos waste from control equipment, materials used to enclose the work area during an asbestos project, asbestos-containing material collected for disposal, asbestos-contaminated waste, debris, containers, bags, protective clothing, or high efficiency particulate air (HEPA) filters. Asbestos-containing

waste material does not include samples of asbestos-containing material taken for testing or enforcement purposes.

F. "Asbestos Project" means any activity involving the abatement, renovation, demolition, removal, salvage, clean-up or disposal of asbestos-containing material, or any other action or inaction that disturbs or is likely to disturb any asbestos-containing material. It includes the removal and disposal of asbestos-containing material or asbestos-containing waste material. It does not include the application of duct tape, rewettable glass cloth, canvas, cement, paint, or other non-asbestos materials to seal or fill exposed areas where asbestos fibers may be released.

G. "Asbestos Survey" means a written report resulting from a thorough inspection performed pursuant to Section 8.04 of this Regulation.

H. "Asphalt Shingles" means asphalt roofing in shingle form, composed of glass felt or felts impregnated and coated on both sides with asphalt, and surfaced on the weather side with mineral granules. Some asphalt shingle styles are commonly referred to as three-tab shingles.

I. "Competent Person" means a person who is capable of identifying asbestos hazards and selecting the appropriate asbestos control strategy, has the authority to take prompt corrective measures to eliminate the hazards, and has been trained and is currently certified in accordance with the standards established by the Washington State Department of Labor and Industries, the federal Occupational Safety & Health Administration, or the United States Environmental Protection Agency (whichever agency has jurisdiction).

J. "Contiguous" means touching or adjoining.

K. "Component" means any equipment, pipe, structural member, or other item or material.

L. "Controlled Area" means an area to which only certified asbestos workers, representatives of the Agency, or other persons authorized by the Washington Industrial Safety and Health Act (WISHA), have access.

M. "Demolition" means wrecking, razing, leveling, dismantling, or burning of a structure, making the structure permanently uninhabitable or unusable in part or whole. It includes any related handling operations. It also includes moving a structure and includes wrecking or taking out of any load-supporting structural member.

N. "Disposal Container" means a carton, bag, drum, box, or crate designed for the purpose of safely transporting and disposing of asbestos-containing waste material.

O. "Facility" means any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to this subpart is not excluded, regardless of its current use or function.

P. "Homogenous Area" means an area of surfacing material, thermal system insulation material, or a miscellaneous material that is uniform in color or texture. Unless approved

otherwise by the Agency, rubble piles, debris piles, ash, soil, and similar materials are not homogeneous areas.

Q. "Friable Asbestos-Containing Material" means asbestos-containing material that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure or by the forces expected to act upon the material in the course of demolition, renovation, or disposal. Each of these descriptions is separate and distinct, meaning the term includes asbestos-containing material that, when dry, can be:

1. Crumbled by hand pressure or by the forces expected to act upon the material in the course of renovation, demolition, or disposal;

2. Pulverized by hand pressure or by the forces expected to act upon the material in the course of renovation, demolition, or disposal; or

3. Reduced to powder by hand pressure or by the forces expected to act upon the material in the course of renovation, demolition, or disposal.

Such materials include, but are not limited to, thermal system insulation, surfacing material, and cement asbestos products.

R. "Leak-Tight Container" means a dust-tight and liquid tight container, at least 6-mil thick, that encloses asbestos-containing waste material and prevents solids or liquids from escaping or spilling out. Such containers may include sealed plastic bags, metal or fiber drums, and sealed polyethylene plastic.

S. "Nonfriable Asbestos-Containing Material" means asbestos-containing material that is not friable (e.g., when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure or by the forces expected to act on the material in the course of demolition, renovation, or disposal).

T. "Nonfriable Asbestos-Containing Roofing" means an asbestos-containing roofing material where all of the following apply:

1. The roofing is a nonfriable asbestos-containing material;

2. The roofing is in good condition and is not peeling, cracking, or crumbling;

3. The roofing binder is petroleum-based and asbestos fibers are suspended in that base with individual fibers still encapsulated; and

4. The roofing binder exhibits enough plasticity to prevent the release of asbestos fibers in the process of removing and disposing of it.

U. "Owner-Occupied, Single-Family Residence" means any non-multiple unit building containing space for uses such as living, sleeping, preparation of food, and eating that is used by one family who owns the property as their domicile (permanent and primary residence) both prior to and after renovation or demolition, and can demonstrate such to the Agency upon request (e.g. utility bills). This term includes houses, mobile homes, trailers, detached garages, outbuildings, houseboats, and houses with a "mother-in-law apartment" or "guest room". This term does not include rental property, multiple unit buildings (e.g. duplexes and condominiums with two or more units) or multiple-family units, nor does this term include any mixed-use building (e.g. a business being operated out of a residence), structure, or installation that contains a residential unit.

V. "Owner's Agent" means any person who leases, operates, controls, or is responsible for an asbestos project, renovation, demolition, or property subject to Article 8 of this Regulation. It also includes the person(s) submitting a notification pursuant to Section 8.05 of this Regulation and/or performing the asbestos survey.

W. "Person" means any individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

X. "Renovation" means altering a structure or component in any way, other than demolition.

Y. "Residential Unit" means any building with four or fewer dwelling units each containing space for uses such as living, sleeping, preparation of food, and eating that is used, occupied, or intended or designed to be occupied by one family as their domicile. This term includes houses, mobile homes, trailers, houseboats, and houses with a "mother-in-law apartment" or "guest room". This term does not include any facility that contains a residential unit.

Z. "Structure" means something built or constructed, in part or in whole. Examples include, but are not limited to, the following in part or in whole: houses, garages, commercial buildings, mobile homes, bridges, "smoke" stacks, pole-buildings, canopies, lean-tos, and foundations. This term does not include normally mobile equipment (e.g., cars, recreational vehicles, boats, etc.).

AA. "Surfacing Material" means material that is sprayed-on, troweled-on, or otherwise applied to surfaces including, but not limited to, acoustical plaster on ceilings, paints, fireproofing material on structural members, or other material on surfaces for decorative purposes.

AB. "Suspect Asbestos-Containing Material" means material that has historically contained asbestos including, but not limited to, surfacing material, thermal system insulation, roofing material, fire barriers, gaskets, flooring material, and cement siding. Suspect asbestos-containing material must be presumed to be asbestos-containing material unless demonstrated otherwise (e.g. as determined using the method specified in the EPA publication, *Method for the Determination of Asbestos in Building Materials*, EPA/600/R-93/116, July 1993).

AC. "Thermal System Insulation" means material applied to pipes, fittings, boilers, tanks, ducts, or other structural components to prevent heat loss or gain.

AD. "Visible Emissions" means any emissions that are visually detectable without the aid of instruments. The term does not include condensed uncombined water vapor.

AE. "Wallboard System" means joint compound and tape specifically applied to cover nail holes, joints and wall corners. It does not mean "add on materials" such as sprayed on materials, paints, textured ceilings or wall coverings. A wallboard system where joint compound and tape have become an integral system (40 CFR Part 61 FRL4821-7) may be analyzed as a composite sample for determining if it is an asbestos-containing material.

AF. "Waste Generator" means any owner or owner's agent that generates, produces, or is in part or whole, responsible for an activity that results in asbestos-containing waste material.

AG. "Workday" means Monday through Friday 8:00 a.m. to 4:30 p.m.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Benton Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Amended

Section 8.04 (~~Notification Required~~)

A. All demolition and renovation activities require written notification to the BCAA before stripping, removal, or otherwise handling or disturbing RACM as per Section 8.03. Such notification shall be subject to a fee as per Article 10 and payable at the time of application.

B. Notification Requirements

1. Demolition. The owner or operator shall submit a Notice of Intent to Remove Asbestos or to Demolish (NOI) form at least ten (10) working days before proceeding with the demolition, regardless of the presence of RACM.

2. Renovation. The owner or operator shall submit an NOI form at least ten (10) working days before proceeding with the renovation.

3. Demolition or Renovation Amendment. The owner or operator amending a previously submitted NOI, as per Section 8.02, shall submit an amended NOI form before proceeding with an activity that requires the amendment.

4. Emergency Renovation Operation. The owner or operator of an emergency renovation operation shall submit an NOI form and an Emergency Waiver Request form before proceeding with the renovation.

5. Alternate Removal Methods. The owner or operator proposing to use alternate removal methods to those in Section 8.02 shall submit an NOI form and supporting documentation for the alternate method at least ten (10) working days.)

Asbestos Survey Requirements

A. Except as provided for in Section 8.04.H of this Regulation, it is unlawful for any person to cause or allow any renovation, demolition, or asbestos project unless the property owner or the owner's agent first obtains an asbestos survey, performed by an AHERA building inspector.

B. Asbestos Survey Procedures.

1. An asbestos survey must consist of a written report resulting from a thorough inspection performed by an AHERA building inspector. The AHERA building inspector must use the procedures in EPA regulations 40 CFR 763.86 or an alternate asbestos survey method pursuant to Section 8.04.H of this Regulation. The inspection, and resulting asbestos survey report, must be performed to determine whether materials, components, or structures to be worked on, renovated, removed, disturbed, impacted, or demolished (including materials on the outside of structures) contain asbestos.

2. Except as provided for in Section 8.04.F of this Regulation, only an AHERA building inspector may determine, by performing an asbestos survey, that a material is not a suspect asbestos-containing material and that a suspect asbestos-containing material does not contain asbestos.

3. The required number of bulk asbestos samples must be collected per the sampling procedures detailed in EPA regulations 40 CFR Part 763.86 and analyzed pursuant to this Section to determine that suspect asbestos-containing material does not contain asbestos.

a. An AHERA building inspector will collect, in a statistically random manner, the required number of bulk samples from each homogeneous area of any surfacing material that is assumed to be asbestos-containing material, and must collect the samples as follows:

1) At least three (3) bulk samples must be collected from each homogeneous area that is 1,000 square feet or less.

2) At least five (5) bulk samples must be collected from each homogeneous area that is greater than 1,000 square feet but less than or equal to 5,000 square feet.

3) At least seven (7) bulk samples must be collected from each homogeneous area that is greater than 5,000 square feet.

b. Except as provided for in 40 CFR 763.86.b.2-4, an AHERA building inspector must collect, in a statistically random manner, at least three (3) bulk samples from each homogeneous area of thermal system insulation that is not assumed to be asbestos-containing material.

c. An AHERA building inspector must collect, in a manner sufficient to determine whether material is asbestos-containing material or not asbestos-containing material, one (1) bulk sample from each homogeneous area of any miscellaneous material that is not assumed to be asbestos-containing material.

d. Bulk samples must be analyzed by laboratories accredited by the National Institute of Standards and Technology's (formerly the National Bureau of Standards) National Voluntary Laboratory Accreditation Program (NVLAP) or an equivalent standard approved by SRCAA. Except for wallboard systems as defined in Section 8.02.AC of this Regulation, bulk samples must not be composited for analysis.

e. Bulk samples must be analyzed for asbestos content by polarized light microscopy (PLM) using the method specified in the EPA publication, Method for the Determination of Asbestos in Building Materials, EPA/600/R-93/116, July 1993 or a more effective method as approved or required by EPA.

C. Asbestos Survey Report

These requirements apply to asbestos surveys, regardless of when they were performed. Except where additional information is required pursuant to EPA regulation 40 CFR 763.85, asbestos surveys must contain, at a minimum, all of the following information:

1. General Information

a. Date that the inspection was performed;

b. AHERA Building Inspector signature, certification number, date certification expires, and name and address of entity providing AHERA Building Inspector certification;

c. Site address(es)/location(s) where the inspection was performed;

d. Description of the structure(s)/area(s) inspected (e.g. use, approximate age and approximate outside dimensions);

e. The purpose of the inspection (e.g. pre-demolition asbestos survey, renovation of 2nd floor, removal of acoustical ceiling texturing due to water damage, etc.), if known;

f. Detailed description of any limitations of the asbestos survey (e.g., inaccessible areas not inspected, survey limited to renovation area, etc.);

g. Identify and describe locations of all homogeneous areas of suspect asbestos-containing materials, except where limitations of the asbestos survey identified in Section 8.04.C.1.f of this Regulation prevented such identification and include whether each homogeneous material is surfacing material, thermal system insulation, or miscellaneous material;

h. Identify materials presumed to be asbestos-containing material;

i. Exact location where each bulk asbestos sample was taken (e.g., schematic and/or other detailed description sufficient for any person to match the bulk sample results to the material on site);

j. Complete copy of the laboratory report for bulk asbestos samples analyzed, which includes all of the following:

1) Laboratory name, address and NVLAP certification number;

2) Bulk sample numbers;

3) Bulk sample descriptions;

4) Bulk sample results showing asbestos content; and

5) Name of the person at the laboratory that performed the analysis.

2. Information Regarding Asbestos-Containing Materials (including those presumed to contain asbestos)

a. Describe the color of each asbestos-containing material;

b. Identify the location of each asbestos-containing material within a structure, on a structure, from a structure, or otherwise associated with the project (e.g., schematic and/or other detailed description);

c. Provide the approximate quantity of each asbestos-containing material (generally in square feet or linear feet; and

d. Describe the condition of each asbestos-containing material (e.g. good, damaged). If the asbestos-containing material is damaged, describe the general extent and type of damage (e.g., flaking, blistering, crumbling, water damage, fire damage).

D. Asbestos Survey Posting

Except as provided for in Section 8.04.H of this Regulation, a complete copy of an asbestos survey must be posted by the property owner or the owner's agent in a readily accessible and visible area at all times for inspection by the Agency and all persons at the work site. This applies even when the asbestos survey performed by an AHERA Building Inspector states there are no asbestos-containing materials in the work area. If it is not practical to post the asbestos survey in this manner, it must be made readily available for inspection by the Agency and all persons at the demolition site.

E. Asbestos Survey Submittal

A copy of the asbestos survey must be submitted to the Agency by the owner or owner's agent with all demolition notifications.

F. Asbestos Survey Retention

The property owner, owner's agent, and the AHERA building inspector that performed the asbestos survey (when the asbestos survey has been performed by an AHERA building inspector), must retain a complete copy of the asbestos survey for at least 24 months from the date the inspection was performed and provide a copy to the Agency upon request.

G. Asbestos Demolition by Fire Fighting Instruction Fires

If a structure is going to be demolished by fire-fighting instruction fire, all asbestos containing materials must first be removed prior to the demolition. All applicable notification and asbestos sampling survey regulations apply. In addition, the proper forms/permits must be filled out or obtained from the Agency prior to the burn.

H. Exceptions1. Owner-Occupied, Single-Family Residence Renovation Performed by the Owner-Occupant:

For renovation of an owner-occupied, single-family residence performed by the owner-occupant, an asbestos survey is not required. This exception includes asphalt shingle roofing material. An owner-occupant's assessment for the presence of asbestos-containing material prior to renovation of an owner-occupied, single-family residence is adequate. A written report is not required.

2. Presuming Suspect Asbestos-Containing Materials are Asbestos-Containing Materials.

It is not required that an AHERA building inspector evaluate (e.g., sample and test) any material presumed to be asbestos-containing material. If material is presumed to be asbestos-containing material, this determination must be posted by the property owner or the owner's agent in a readily accessible and visible area at the work site for all persons at the work site. The determination must include a description, approximate quantity, and location of presumed asbestos-containing material within a structure, on a structure, from a structure, or otherwise associated with the project. The property owner, owner's agent, and the person that determined that material would be presumed to be asbestos-containing material, must retain a complete copy of the written determination for at least 24 months from the date it was made and must provide a copy to the Agency upon request. Except for Section 8.04.A through G of this Regulation, all other requirements remain in effect.

3. Alternate Asbestos Survey

A written alternate asbestos survey method must be prepared and used on occasions when conventional sampling methods required in EPA regulation 40 CFR 763.86 cannot be exclusively performed (all other asbestos survey requirements in Section 8.04 of this Regulation apply). For example, conventional sampling methods may not be possible on fire damaged buildings or portions thereof, (e.g., when materials are not intact or homogeneous areas are not identifiable).

Conventional sampling methods may not be used for rubble or debris piles, and ash or soil unless approved otherwise in writing by the Agency. If conventional sampling methods cannot exclusively be used and material is not presumed to be asbestos containing material, alternate asbestos survey methodology must be used alone or, when possible, in combination with conventional survey methodology. An

alternate asbestos survey methodology typically includes random sampling according to a grid pattern (e.g., random composite bulk samples at incremental 1' depths from 10' x 10' squares of a debris pile), but is not limited to such. An illustration of how the principles of such sampling techniques are applied can be found in the EPA publication, Preparation of Soil Sampling Protocols: Sampling Techniques & Strategies, EPA/600/R-92/128, July 1992.

4. Underground Storage Tanks

An asbestos survey is not required prior to renovation or demolition of an underground storage tank. However, if suspect asbestos-containing material is identified during the renovation or demolition of an underground storage tank, work must cease until it is determined pursuant to Section 8.04 of this Regulation whether or not the suspect asbestos-containing material is asbestos-containing material. All other requirements of this Regulation remain in effect.

Amended

Section 8.05 (~~Additional Requirements, Residential Units~~)

~~A. Demolition or renovation activities at a residential unit involving stripping, removal, or otherwise handling or disturbing RACM as per Section 8.03 shall only be performed by:~~

~~1. The residential unit owner, if the owner occupies the residential unit; or~~

~~2. A certified asbestos abatement contractor.~~

~~B. A residential unit owner performing demolition or renovation activities at a residential unit shall participate in an educational program prepared by the BCAA concerning the hazards of asbestos removal. This program may include:~~

~~1. Watching an informational video;~~

~~2. Agreement to read and understand informational pamphlets, provided by the BCAA, concerning proper residential asbestos removal. Any questions pertaining to this material shall be addressed by the BCAA.))~~

Notification Requirements**A. General Requirements**

Except as provided for in Section 8.05.A.7 of this Regulation, it is unlawful for any person to cause or allow any work on an asbestos project or demolition unless a complete notification, including the required fee and any additional information requested by the Control Officer or his/her authorized representative, has been submitted to the Agency, in accordance with the notification waiting period requirements in Article 10, Section 10.08 of this Regulation. Unless otherwise approved by the Agency, the notification must be submitted by the property owner or owner's agent on approved forms to the Agency's fax machine or submitted at the Agency's place of business in person or via U.S. mail. Notifications will not be accepted if the earliest project start date is greater than 365 days from the date of submittal.

1. When the Notification Waiting Period Begins

The notification waiting period begins on the workday on which a complete notification is received by the Agency and ends after the notification waiting period in Section 10.08 of this Regulation has passed (e.g., The notification waiting

period for a notification submitted after 4:30 p.m. on a Friday does not begin until the following Monday. A 10-day notification period means work on an asbestos project or demolition can begin on day 11.) A notification is considered complete when all information requested on the notification, including the required fee and any additional information requested by the Control Officer or his/her authorized representative, is received by the Agency. The notification waiting period does not begin for incomplete notifications (e.g. unpaid fees, notifications where the asbestos project start date and/or completion date and/or demolition start date is listed as "To Be Determined", when types and quantities of asbestos are unknown, etc.).

2. Project Duration

The duration of an asbestos project must be commensurate with the amount of work involved. The duration of the project may take into account applicable scheduling limitations (e.g., asbestos removal that needs to be done in phases, based on scheduling limitations determined by the property owner). The daily asbestos project work schedule must be provided by the owner or owner's agent to the Agency upon request.

3. Multiple Asbestos Projects or Demolitions.

Notification for 5 or fewer structures may be filed by a property owner or owner's agent on one form if all the following criteria are met:

a. The notification applies only to asbestos projects or demolitions on contiguous real properties having the same owner or real properties with the same owner separated only by a public right-of-way (e.g., alley or roadway).

b. The work will be performed by the same abatement and/or demolition contractor.

c. The notification includes the specific site address for each structure. Where a specific site address isn't available for each structure (e.g., at a large commercial (site with multiple structures), provide a detailed description/location for each structure

d. The notification includes the amount and type of asbestos-containing material associated with each structure and indicates which structures will be demolished.

e. The 5 structure limit does not apply to annual notifications.

4. Notification Expiration

Notifications are valid for no more than 365 days from the earliest original notification start date. A new notification must be submitted to the Agency for work to be performed beginning or continuing more than 365 days from the earliest original notification start date and must be accompanied by the appropriate nonrefundable fee as set forth in Section 10.08 of this Regulation. the Agency may revoke a notification for cause (e.g., providing any false material statement, representation, or certification) and may require that a new notification be submitted with the appropriate non-refundable fee as set forth in Section 10.08 of this Regulation prior to work continuing.

5. Notification Posting

A copy or printout of the notification and all amendments to the notification must be posted by the property owner or the owner's agent in a readily accessible and visible area at all times for inspection by the Agency and all persons

at the asbestos project or demolition site. If it is not practical to post the notification and all amendments to the notification in this manner, the documents must be made readily available for inspection by the Agency and all persons at the demolition site.

6. Notification Retention

The property owner, owner's agent, and the person that filed the notification, must retain a complete copy of all notification records for at least 24 months from the date the notification was filed with the Agency and provide a copy to the Agency upon request.

7. Notification Exceptions

a. Asbestos Project Thresholds.

Notification is not required for asbestos projects involving less than 10 linear feet or 48 square feet (per structure, per calendar year) of any asbestos-containing material. Owners and/or owner's agents must file notification once the 10 linear feet or 48 square feet has been reached on any asbestos project or multiple asbestos project (per structure, per calendar year).

b. Nonfriable Asbestos-Containing Materials: Caulking, Window-Glazing, Roofing, Vinyl Asbestos Tile (VAT)

Except for nonfriable roofing removed in accordance with Section 8.09.B of this Regulation (Leaving Nonfriable Asbestos-Containing Roofing Material in Place during Demolition) or Section 8.10 of this Regulation (Exception for Hazardous Conditions) of this Regulation, notification is not required for removal and disposal of the following nonfriable asbestos-containing materials: caulking, window-glazing, roofing or VAT. All other asbestos project and demolition requirements remain in effect except as provided by Article 8 of this Regulation.

c. Underground Storage Tanks.

Notification is not required for demolition of underground storage tanks with no asbestos. All other asbestos project and demolition requirements remain in effect except as provided by Article 8 of this Regulation.

d. Demolition of Structures with a Projected Roof Area ≤ 120 Square Feet.

Notification is not required for demolition of structures with a projected roof area less than or equal to 120 square feet, unless asbestos-containing material is present. If asbestos-containing material is present, asbestos project notification requirements apply. All other requirements remain in effect except as provided by Article 8 of this Regulation.

e. Demolition by Fire Fighting Instruction Fires

If a structure is going to be demolished by fire-fighting instruction fire, all asbestos containing materials must first be removed prior to the demolition. All applicable notification and asbestos sampling survey regulations apply. In addition, the proper forms/permits must be filled out or obtained from the Agency prior to the burn.

f. Abandoned Asbestos-Containing Material

The Control Officer may waive part or all of the notification waiting period and project fee, by written authorization, for removal and disposal of abandoned (without the knowledge or consent of the property owner) asbestos-containing materials and for demolition of abandoned structures. All other requirements remain in effect.

g. Emergencies

The advance notification period may be waived if an asbestos project or demolition must be conducted immediately due to a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard, is necessary to protect equipment from damage, or is necessary to avoid imposing an unreasonable financial burden. This term includes operations necessitated by non-routine failures of equipment.

h. State of Emergency

If a state of emergency is declared by an authorized local, state, or federal governmental official due to a storm, flooding, or other disaster, the Control Officer may temporarily waive part or all of the project fee(s) by written authorization. The written authorization must reference the applicable state of emergency, what fee(s) will be waived, to what extent the fee(s) will be waived, and the effective date(s) of the fee(s) waiver.

i. Annual Notification

A property owner or owner's agent may file one or more annual notifications if all of the following conditions are met:

1) If more than one annual notification is filed for the same real property, there must not be duplication of structures listed on the annual notifications.

2) The total amount of asbestos-containing material for all asbestos projects performed under an annual notification is less than or equal to 259 linear feet and less than or equal to 159 square feet per structure, per calendar year. If any quantity of asbestos-containing material is removed from a structure which is below notification thresholds of 10 linear feet and/or 48 square feet per structure per calendar year, and an annual notification is filed after the removal occurred, the quantity of asbestos-containing material removed from each structure must be applied towards the annual notification removal limits for each structure.

3) The annual notification is valid for one calendar year.

4) The annual notification is exempt from the requirements in Sections 8.05.A.2, 8.05.A.3.b, 8.05.A.3.d, and 8.05.A.4 of this Regulation. All other requirements apply.

5) Quarterly reporting forms approved by the Agency must be completed and received by the Agency according to this schedule:

- For the first calendar quarter by April 15;
- For the second calendar quarter by July 15;
- For the third calendar quarter by October 15; and
- For the fourth calendar quarter by January 15.

Quarterly reports must be filed with the Agency even when no asbestos-containing material is removed for the respective reporting period.

B. Amendments.

1. Mandatory Amendments

Amendments must be submitted by the person or party that originally submitted the notification unless that person or party explicitly names another person or party that is authorized to file an amendment. An amendment must be submitted to the Agency for any of the following changes in notification, must be submitted in accordance with Section 8.05.A of this Regulation and the advance notification requirements in Section 10.08 of this Regulation, and must be accompa-

nied by the appropriate nonrefundable fee established in Section 10.08 of this Regulation:

a. Project Type

Changes in the project type (e.g., from asbestos removal only to asbestos removal and demolition).

b. Job Size

Increases in the job size category, which increase the fee or changes the advance notification period. For an amendment where the project type or job size category is associated with a higher fee, a fee equal to the difference between the fee associated with the most recently submitted notification and the fee associated with the increased project type or job size category must be submitted. When there is an increase in the job size category which increases the fee, the additional quantities of asbestos-containing material must be itemized on the amendment form. If the original notification was filed as an emergency and there is an increase in the job size category which increases the notification fee category, the emergency fee applies to the new fee category.

c. Type of Asbestos.

Changes in the type or new types of asbestos-containing material that will be removed. All types and quantities of asbestos-containing material must be itemized on the amendment form.

d. Start/End Dates

Changes in the asbestos project date (i.e. asbestos removal start date, asbestos removal end date or earliest demolition start date). This includes placing a project "on hold" (e.g., an asbestos project is temporarily delayed and a new project date has not been determined). If an asbestos project date is placed "on hold", an amendment taking it "off hold" must be filed prior to work on the asbestos project resuming. The new asbestos project date must be provided when the project is taken "off hold".

e. Completion Date

Except as provided below, in the case of additional work to be performed after the last completion date on record, a new notification must be submitted to the Agency and must be accompanied by the appropriate nonrefundable fee as set forth in Section 10.08 of Article 10 of this Regulation. Where the notification project type indicates asbestos removal only, the last completion date on record refers to the last asbestos removal completion date on record. Where the notification project type indicates asbestos removal and demolition or demolition with no asbestos removal, the last completion date on record is 365 days from the earliest original notification start date.

1) Asbestos Removal Only

Where the notification project type indicates asbestos removal only, the last asbestos removal completion date on record has already passed, when an asbestos survey was performed that was designed to address the full scope of the renovation, and when asbestos-containing materials are discovered unexpectedly prior to or during renovation and those materials were not identified in an asbestos survey, the Agency's may accept an amendment for removal of additional asbestos-containing material, provided the removal will be complete within 365 days from the original notification filing date. Applicants must receive the Agency's approval in advance of filing such an amendment. If the

Agency's does not approve an amendment, a new Notice of Intent must be submitted in accordance with Article 8 and Section 10.08 of this Regulation.

2) Asbestos Removal and Demolition

Where the notification project type indicates asbestos removal and demolition, the last asbestos removal completion date on record has already passed, and when asbestos-containing materials are discovered unexpectedly prior to or during demolition that were not identified in the asbestos survey, the Agency's may accept an amendment for additional asbestos removal, provided the additional asbestos removal is complete within 365 days from the original notification filing date.

f. Adding Structures: Adding one or more structures to a previously submitted notification:

1) Amendments cannot be used to add structures to a previously submitted notification unless one or more of the following applies:

(A) The structure(s) meet(s) the definition of an owner-occupied, single-family residence;

(B) The structure(s) is/are added prior to the beginning of the advance notification waiting period specified in Section 10.08.A of this Regulation; or

(C) A request for adding one or more structures is received by the Agency within the advance notification period specified in Section 10.08.A of this Regulation, but prior to the earliest start date listed on the notification, and the Agency approves such request in writing.

2) The multiple asbestos project and demolition requirements in Section 8.05.A.3 of this Regulation and other applicable requirements apply.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Benton Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Amended

Section 8.06 (~~Unexpected Discovery of Asbestos~~)

~~In the event of an unexpected discovery of asbestos during a renovation or demolition activity, the owner or operator shall stop work until the requirements of Section 8.02 have been met.)~~

Asbestos Disturbance

A. Removal to Prevent Disturbance

Except as provided in Sections 8.09 and 8.10 of this Regulation, it is unlawful for any person to cause or allow any renovation, demolition, or other action or inaction that may:

1. Disturb asbestos-containing material without first removing all asbestos-containing material in accordance with the requirements of this Regulation; or

2. Damage a structure so as to preclude access to asbestos-containing material for future removal, without first removing all asbestos-containing material in accordance with the requirements of this Regulation.

B. Conditions that will Likely Result in Disturbance

Except as provided in Sections 8.09 and 8.10 of this Regulation, it is unlawful for any person to create or allow a condition, involving an existing structure or component, that will likely result in the disturbance of asbestos-containing mate-

rial (e.g., not removing all asbestos-containing material in a structure scheduled for demolition; not completely removing asbestos-containing material identified for removal by the last asbestos removal completion date on record; leaving asbestos-containing material in a state that makes it more susceptible to being disturbed; asbestos-containing material that is peeling, delaminating, crumbling, blistering, or other similar condition; etc.).

C. Reuse

Asbestos-containing material in good condition (as determined in Section 8.04.C.2.d of this Regulation) may be removed for reuse, stored for reuse, or transported for reuse provided it is not disturbed or likely to be disturbed. Asbestos-containing material that is damaged (as determined in Section 8.04.C.2.d of this Regulation) must not be removed for reuse, stored for reuse or transported for reused. If the component will not be reused, the asbestos-containing material must be removed and disposed of in accordance with this Regulation.

D. If Disturbance Occurs

Suspect asbestos-containing material that has been disturbed must be removed as soon as possible and disposed of in accordance with this Regulation unless an asbestos survey, performed in accordance with Section 8.04 of this Regulation, demonstrates that suspect asbestos-containing materials are not asbestos-containing materials.

E. Vermiculite

Except as provided in Sections 8.08.A and 8.08.C of this Regulation, it is unlawful for any person to cause or allow any renovation, demolition, or other action or inaction that may disturb loose vermiculite, including damaging a structure so as to preclude access for future removal, without first removing it to the extent practicable in accordance with Section 8.07.C and other applicable requirements of this Regulation. This includes vermiculite containing one percent or less asbestos. Furthermore, it is unlawful for any person to create or allow a condition, involving an existing structure or component that will likely result in the disturbance of loose vermiculite containing one percent or less asbestos (e.g. not removing it to the extent practical in a structure scheduled for demolition; not removing visible vermiculite to the extent practical by the last asbestos removal completion date on record; leaving loose vermiculite containing one percent or less asbestos in a state that makes it more susceptible to being disturbed.)

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Benton Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Amended

Section 8.07 (~~Emergency Safeguards for the Public in the Case of Suspected Asbestos Spills or Scattering of Suspected Asbestos Material~~)

A. Until such time as it is determined otherwise, all such cases of spills or scattering of suspected asbestos material, the material shall be considered to be RACM

B. Actions shall be taken immediately to contain the material and shall include, but are not limited to:

1. Treat the area with proper precautions associated with RACM;
 2. Regulate the area in which the spill or scattering occurred by preventing entry of unprotected and/or unauthorized persons;
 3. Posting signage indicating the potential danger;
 4. Locking or barring doors in buildings, if applicable;
- and
5. If the spill or scattering of the RACM may pose an imminent threat to human health, safety, or to the environment, the spill shall be reported to the Benton County Emergency Response Center ("911"), the Washington State Department of Ecology, and the BCAA.)

Procedures for Asbestos Projects

A. Training Requirements

It is unlawful for any person to cause or allow any work on an asbestos project unless it is performed by persons trained and certified in accordance with the standards established by the Washington State Department of Labor & Industries, the federal Occupational Safety & Health Administration, or the United States Environmental Protection Agency (whichever agency has jurisdiction) and whose certification is current. This certification requirement does not apply to asbestos projects conducted in an owner-occupied, single-family residence performed by the resident owner of the dwelling.

B. Standard Asbestos Project Work Practices

Standard asbestos project work practices generally involve manual removal methods used for asbestos-containing material that is intact and readily identifiable. Standard asbestos work practices require removal of asbestos-containing material using all procedures described in Section 8.07.B.1-6 of this Regulation. Except as provided in Sections 8.08, 8.09, and 8.10 of this Regulation, it is unlawful for any person to cause or allow the removal or disturbance of asbestos-containing material unless all the following requirements are met:

1. Controlled Area

The asbestos project must be conducted and maintained in a controlled area, clearly marked by barriers and asbestos warning signs. Access to the controlled area must be restricted to authorized personnel only, including occasions when asbestos abatement is not actively occurring (e.g., when workers are on break or off-site).

2. Negative Pressure Enclosure

If a negative pressure enclosure is employed it must be equipped with transparent viewing ports, if feasible, and must be maintained in good working order.

3. Wetting Asbestos-Containing Material Prior to and During Removal

a. Absorbent asbestos-containing materials, such as surfacing material and thermal system insulation, must be saturated with a liquid wetting agent prior to removal. Wetting must continue until all the material is permeated with the wetting agent. Any unsaturated absorbent asbestos-containing material exposed during removal must be immediately saturated with a liquid wetting agent and kept wet until sealed in leak-tight containers.

b. Nonabsorbent asbestos-containing materials, such as cement asbestos board or vinyl asbestos tile, must be continuously coated with a liquid wetting agent on any exposed surface prior to and during removal. Any dry surfaces of nonabsorbent asbestos-containing material exposed during removal must be immediately coated with a liquid wetting agent and kept wet until sealed in leak-tight containers.

c. Metal components (such as valves, fire doors, and reactor vessels) that have internal asbestos-containing material do not require wetting of the asbestos-containing material if all access points to the asbestos-containing materials are welded shut or the component has mechanical seals, which cannot be removed by hand, that separate the asbestos-containing material from the environment.

4. Handling

Except for surfacing material being removed inside a negative pressure enclosure, asbestos-containing material that is being removed, has been removed, or may have fallen off components during an asbestos project must be carefully lowered to the ground or the floor, not dropped, thrown, slid, or otherwise damaged.

5. Asbestos-Containing Waste Material

a. All absorbent, asbestos-containing waste material must be kept saturated with a liquid wetting agent until sealed in leak-tight containers. All nonabsorbent, asbestos-containing waste material must be kept coated with a liquid wetting agent until sealed in leak-tight containers.

b. All asbestos-containing waste material resulting from an asbestos project must be sealed in leak-tight containers as soon as possible after removal, but no later than the end of each work shift.

c. The exterior of each leak-tight container must be free of all asbestos residue and must be permanently labeled with an asbestos warning sign as specified by the Washington State Department of Labor and Industries or the federal Occupational Safety and Health Administration.

d. Immediately after sealing, each leak-tight container must be permanently marked with the date the material was collected for disposal, the name of the waste generator, and the address at which the waste was generated. This marking must be made at the site where the waste was generated and must be readable without opening the container.

e. Leak-tight containers must not be dropped, thrown, slid, or otherwise damaged.

f. Asbestos-containing waste material must be stored in a controlled area until transported to, and disposed of at, a waste disposal site approved to accept asbestos-containing waste material.

6. Visible Emissions

No visible emissions may result from an asbestos project.

C. Procedures for Loose Vermiculite Containing One Percent or Less Asbestos

Except as provided in Sections 8.08.A and 8.08.C of this Regulation, all of the following asbestos procedures must be employed for removal or demolition of loose vermiculite containing one percent or less asbestos:

1. Removal

a. The asbestos project must be conducted and maintained in a controlled area, clearly marked by barriers and

asbestos warning signs. Access to the controlled area must be restricted to authorized personnel only, including occasions when asbestos abatement is not actively occurring (e.g. when workers are on break or off-site).

b. Vermiculite must be misted or wetted to the extent practicable with a liquid wetting agent prior to and during removal.

c. Vermiculite must be removed using manual methods or using vacuum systems with HEPA filtered exhaust systems designed for the vacuum system on which it is used. The HEPA filtered exhaust system must be operated and maintained according to manufacturer specifications.

d. Following vermiculite removal, the work space must be treated with a post abatement encapsulant (e.g., lock-down encapsulant, penetrating encapsulant).

2. Handling & Disposal

a. After being removed, vermiculite must immediately be transferred to a leak-tight container.

b. The exterior of each leak-tight container must be free of all vermiculite residue and must be permanently labeled with an asbestos warning sign as specified by the Washington State Department of Labor and Industries or the federal Occupational Safety and Health Administration.

c. Immediately after sealing, each leak-tight container must be permanently marked with the date the material was collected for disposal, the name of the waste generator, and the address at which the waste was generated. This marking must be made at the site where the waste was generated and must be readable without opening the container.

d. Leak-tight containers may not be dropped, thrown, slid, or otherwise damaged.

e. Asbestos-containing waste material must be stored in a controlled area until transported to, and disposed of at, a waste disposal site approved to accept asbestos-containing waste material and in accordance with Section 8.09 of this Regulation.

3. Except as provided for in Section 8.07.C.1.b of this Regulation, no visible emissions may result from an asbestos project.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Benton Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

New

Section 8.08 Procedures for Nonfriable Asbestos-Containing Roofing Material

All of the following asbestos removal methods must be employed for nonfriable asbestos-containing roofing material as defined in Section 8.03.T of this Regulation:

A. The nonfriable asbestos-containing roofing material must be removed using methods, such as spud bar and knife, which do not render the material friable. Removal methods such as sanding, grinding, abrading, or sawing are considered to render the material friable and must not be employed under this Section.

B. After being removed, nonfriable asbestos-containing roofing material must be carefully lowered to the ground or the floor, not dropped, thrown, or otherwise damaged and transferred to a disposal container as soon as possible after

removal. In no case may the transfer occur later than the end of each work shift.

C. Each disposal container must have a sign identifying the material as nonfriable asbestos-containing roofing material and must be transported to, and disposed of at, an approved waste disposal site in compliance with Section 8.11 of this Regulation and applicable local, state, and federal regulations.

D. No visible emissions may result from an asbestos project.

New

Section 8.09 Alternate Means of Compliance

A. Alternate Asbestos Project Work Practices for Removing Asbestos-Containing Material Prior to Renovation or Demolition.

Unless otherwise approved by the Agency in writing, alternate means of compliance must be used where standard asbestos project work practices in Section 8.07.B of this Regulation cannot be used to remove asbestos-containing material (financial considerations aside) prior to renovation or demolition; when asbestos-containing material has been disturbed or is otherwise no longer intact (e.g., when demolition has already occurred or a similar situation exists, typically leaving a pile/area of debris, rubble, ash, or soil); or when mechanical methods are used for removal. Projects performed under this Section must be performed under the alternate asbestos project work practice notification category and must comply with all of the following:

1. Qualifications of Person(s) Preparing an Alternate Work Plan (AWP)

An AHERA Project Designer must evaluate the work area, the type and quantity (known or estimated) of asbestos-containing material, the projected work practices, and the engineering controls and develop an AWP that ensures the planned control methods will be as effective as the work practices in Section 8.07.B of this Regulation.

2. AWP Contents

The AWP must contain all of the following information:

a. Reason(s) why standard work practices cannot be used;

b. Date(s) the work area was evaluated by the person(s) that prepared the AWP;

c. Site address(es)/location(s) where the inspection was performed;

d. The purpose of the evaluation (e.g., asbestos removal from an electrical structure or component where standard wet methods cannot be utilized, removal and disposal of a debris pile resulting from a fire-damaged structure, etc.);

e. If an asbestos survey was performed, incorporate it by reference;

f. All procedures that will be followed for controlling asbestos emissions during the asbestos project;

g. Procedures that will be followed for the final inspection of the property to ensure that asbestos-containing material has been removed and disposed of in accordance with applicable regulations;

h. A statement that the AWP will be as effective as the work practices in Section 8.06.B of this Regulation;

- i. Signature(s) of the person(s) that prepared the AWP; and
- j. Certification(s) and/or license number(s), and date(s) that certification(s) and/or license(s) expire(s), for the person(s) that prepared the AWP.

3. Asbestos Survey

If an asbestos survey is not performed pursuant to Section 8.04 of this Regulation, it must be presumed that the asbestos project involves friable and nonfriable asbestos-containing material.

4. AWP Procedures

The AWP must identify in detail all procedures that will be followed for controlling asbestos emissions during the asbestos project (e.g., during asbestos removal, when workers are off-site, etc.). All procedures and requirements in the AWP must be followed. Unless alternate procedures are specified in the AWP by an AHERA Project Designer, the AWP must include all of the following requirements in Section 8.09.A.4.a through f of this Regulation:

a. Controlled Area

The asbestos project must be conducted in a controlled area, clearly marked by barriers and asbestos warning signs. Access to the controlled area must be restricted to authorized personnel only. The controlled area must protect persons outside the controlled area from potential exposure to airborne asbestos.

b. Wetting

All materials and debris must be handled in a wet condition.

1) Absorbent materials must be saturated with a liquid wetting agent prior to removal. Wetting must continue until all the material is permeated with the wetting agent. Any unsaturated surfaces exposed during removal must be wetted immediately.

2) Nonabsorbent materials must be continuously coated with a liquid wetting agent on any exposed surface prior to and during the removal. They must be wetted after removal, as necessary, to assure they are wet when sealed in leak-tight containers. Any dry surfaces exposed during removal must be wetted immediately.

c. Asbestos-Containing Waste Materials

1) All asbestos-containing waste material and/or asbestos contaminated waste material must be kept wet and must be sealed in leak-tight containers while still wet, as soon as possible after removal but no later than the end of each work shift.

2) The exterior of each leak-tight container must be free of all asbestos residue and must be permanently labeled with an asbestos warning sign as specified by the Washington State Department of Labor and Industries or the federal Occupational Safety and Health Administration.

3) Immediately after sealing, each leak-tight container must be permanently marked with the date the material was collected for disposal, the name of the waste generator, and the address at which the waste was generated. This marking must be readable without opening the container.

4) Leak-tight containers must be kept leak-tight.

5) The asbestos-containing waste material must be stored in a controlled area until transported to an approved waste disposal site.

d. Air Monitoring

Procedures that must be followed for air monitoring at the outside perimeter of the controlled area, both upwind and downwind, to ensure that the asbestos fiber concentrations do not exceed a net difference (between concurrent upwind and downwind monitoring results) of 0.01 fibers per cubic centimeter (f/cc) as determined by the NIOSH Manual of Analytical Methods, Method 7400 (asbestos and other fibers by PCM).

1) The procedures must require that any air sampling cassette(s) that become(s) overloaded with dust be immediately replaced. Work must stop until an AHERA Project has re-evaluated the engineering controls for dust control, revised the AWP as necessary, and the owner or owner's agent implements all revisions to the AWP.

2) the Agency must immediately be notified by the owner or owner's agent if the airborne fiber concentrations exceed a net difference of 0.01 f/cc and work must stop until an AHERA Project Designer has re-evaluated the engineering controls, revised the AWP as necessary, and the owner or owner's agent implements all revisions to the AWP.

e. Competent Person

1) A competent person must be present for the duration of the asbestos project (includes demolition) and must observe work activities at the site.

2) The competent person must stop work at the site to ensure that friable asbestos-containing material found in the debris, which can readily be separated, is removed from the main waste stream and is placed and maintained in leak-tight containers for disposal.

3) The competent person must stop work if AWP procedures are not followed and must ensure that work does not resume until procedures in the AWP are followed.

f. Separation of Materials

If the project involves separation of clean(ed) materials from debris piles (e.g., rubble, ash, soil, etc.) that contain or are contaminated with asbestos-containing materials, the material separation procedures must be included in the AWP. In addition to these procedures, the following requirements apply:

1) The AWP must identify what materials will be separated from the asbestos-containing material waste stream and must describe the procedures that will be used for separating and cleaning the materials. All materials removed from the asbestos-containing waste material stream must be free of asbestos-containing material.

2) A competent person must ensure that materials being diverted from the asbestos-containing waste material stream are free of asbestos-containing material.

5. Visible Emissions

No visible emissions may result from an asbestos project.

6. Record Keeping

a. The AWP must be kept at the work site for the duration of the project and made available to the Agency upon request. The property owner or owner's agent and AHERA Project Designer that prepared the AWP must retain a complete copy of the AWP for at least 24 months from the date it was prepared and make it available to the Agency upon request.

b. Complete copies of other asbestos-related test plans and reports (e.g., testing soil for asbestos, air monitoring for asbestos, etc.) associated with the project must also be retained by the property owner or owner's agent for at least 24 months from the date it was performed and made available to the Agency upon request. The person(s) preparing and performing such tests must also retain a complete copy of these records for at least 24 months from the date it was prepared and make it available to the Agency upon request.

7. Other Requirements

All applicable local, state, and federal regulations must be complied with.

B. Leaving Nonfriable Asbestos-Containing Roofing Material in Place During Demolition

Nonfriable asbestos-containing roofing material as defined in Section 8.03.R of this Regulation may be left in place during demolition, except for demolition by burning, if all of the following are met:

1. A signed and dated written determination was made by an AHERA Project Designer that includes all of the following:

a. A summary of the evaluation performed within the past 12 months, including a description of the type and current condition of asbestos-containing roofing materials;

b. A summary of the work practices and engineering controls that will be used;

c. A determination that nonfriable asbestos-containing roofing material will remain nonfriable during all demolition activities and subsequent disposal of the debris; and

d. The property owner or owner's agent and the AHERA Project Designer that performed the determination must retain a complete copy of the determination for at least 24 months from the date it was performed and make it available to the Agency upon request.

2. Appropriate dust control methods as provided in Article 4 of this Regulation may be used to control fugitive dust emissions.

3. Each disposal container must have a sign identifying the material as nonfriable asbestos-containing roofing material and must be transported to, and disposed of at, an approved waste disposal site in compliance with applicable local, state, and federal regulations.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Benton Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

New

Section 8.10 Exception for Hazardous Conditions

When the exception for hazardous conditions is being utilized, all of the following apply:

A. Friable and nonfriable asbestos-containing material need not be removed prior to demolition, if it is not accessible because of hazardous conditions such as structures or buildings that are structurally unsound, structures or buildings that are in danger of imminent collapse, or other conditions that are immediately dangerous to life and health.

B. An authorized government official or a licensed structural engineer must determine in writing that a hazard exists, which makes removal of asbestos-containing material dan-

gerous to life or health. The determination must be retained for at least 24 months from the date it was prepared and made available to the Agency by the property owner or owner's agent upon request.

C. An AHERA Project Designer must evaluate the work area, the type and quantity (known or estimated) of asbestos-containing material, the projected work practices, and the engineering controls and develop an AWP that ensures the planned control methods will be protective of public health. The AWP must contain all of the following information:

1. Date(s) the work area was evaluated by the person(s) that prepared the AWP;

2. Site address(es)/location(s) where the inspection was performed;

3. A copy of the hazardous conditions determination from a government official or licensed structural engineer;

4. If an asbestos survey was performed, include a copy or incorporate it by reference;

5. All procedures that will be followed for controlling asbestos emissions during the asbestos project;

6. A statement that the AWP will be protective of public health;

7. Signature(s) of the person(s) that prepared the AWP; and

8. Certification(s) and/or license number(s), and date(s) that certification(s) and/or license(s) expire(s), for the person(s) that prepared the AWP.

D. AWP Procedures.

The requirements of Section 8.09.A.3-7 of this Regulation and all other applicable requirements, including those specified in the AWP, must be complied with.

New

Section 8.11 Disposal of Asbestos-Containing Waste Material

A. Disposal within 10 Days of Removal

Except as provided in Section 8.11.C (Temporary Storage Site) of this Regulation it is unlawful for any person to cause or allow the disposal of asbestos-containing waste material unless it is deposited within 10 calendar days of removal at a waste disposal site authorized to accept such waste.

B. Waste Tracking Requirements

It is unlawful for any person to cause or allow the disposal of asbestos-containing waste material unless all of the following requirements are met:

1. Maintain waste shipment records, beginning prior to transport, using a separate form for each waste generator that includes all of the following information:

a. The name, address, and telephone number of the waste generator;

b. The approximate quantity in cubic meters or cubic yards;

c. The name and telephone number of the disposal site operator;

d. The name and physical site location of the disposal site;

e. The date transported;

f. The name, address, and telephone number of the transporter;

g. A certification that the contents of the consignment are fully and accurately described by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition to transport by highway according to applicable waste transport regulations.

2. Provide a copy of the waste shipment record to the disposal site owner or operator at the same time the asbestos-containing waste material is delivered. If requested by the disposal site operator, a copy of the AWP or written determination as specified pursuant to Sections 8.09 and 8.10 of this Regulation must also be provided to the disposal site owner or operator at the same time the asbestos-containing waste material is delivered.

3. If a copy of the waste shipment record, signed by the owner or operator of the disposal site, is not received by the waste generator within 35 calendar days of the date the waste was accepted by the initial transporter, contact the transporter and/or the owner or operator of the disposal site to determine the status of the waste shipment.

4. If a copy of the waste shipment record, signed by the owner or operator of the disposal site, is not received by the waste generator within 45 calendar days of the date the waste was accepted by the initial transporter, report in writing to the Control Officer. Include in the report, a copy of the waste shipment record and cover letter signed by the waste generator, explaining the efforts taken to locate the asbestos waste shipment and the results of those efforts.

5. Retain a copy of all waste shipment records for at least 24 months from the date it was generated, including a copy of the waste shipment record signed by the owner or operator of the designated waste disposal site. A copy of waste shipment records must be provided to the Agency upon request.

C. Temporary Storage Site

A person may establish a temporary storage site for the purpose of collecting and temporarily storing asbestos-containing waste material if it is approved by the Control Officer and all of the following conditions are met:

1. A complete application for Temporary Storage of asbestos containing waste material is submitted to and approved by the Agency;
2. The application must be accompanied by a non-refundable fee as set in the fee schedule;
3. Accumulated asbestos-containing waste material must be kept in a controlled storage area posted with asbestos warning signs and accessible only to authorized persons;
4. All asbestos-containing waste material must be stored in leak-tight containers which are maintained in leak-tight condition;
5. The storage area must be locked except during transfer of asbestos-containing waste material;
6. Storage, transportation, disposal, and return of the waste shipment record to the waste generator must not exceed 90 calendar days, and
7. Asbestos-Containing Waste Material Temporary Storage Permits approved by the Agency are valid for one calendar year unless a different time frame is specified in the permit.

D. Disposal of Asbestos Cement Pipe

Asbestos cement pipe used on public right-of-ways, public easements, and places receiving the prior written approval

of the Control Officer may be buried in place if the pipe is left intact (e.g., not moved, broken or disturbed) and covered with at least 3 feet or more of non-asbestos fill material. All asbestos cement pipe fragments that are 1 linear foot or less and other asbestos-containing waste material must be disposed of at a waste disposal site authorized to accept such waste.

New

Section 8.12 Compliance with Other Rules

Other government agencies have adopted rules that may apply to asbestos regulated under these rules including, but not limited to, the U.S. Environmental Protection Agency, the U.S. Occupational Safety and Health Administration, and the Washington State Department of Labor and Industries. Nothing in the Agency's rules must be construed as excusing any person from complying with any other applicable local, state, or federal requirement.

ARTICLE 9

Source Registration

ADOPTED: 17-Feb-2005; EFFECTIVE: 9-Apr-2005;
AMENDED: XX 2014

Amended

Section 9.01 Source Registration Required

The ((BCAA)) Agency regulates the sources of air contaminants in Benton County under the authority of RCW 70.94.151. Any source ((~~under Section 9.04~~)), identified in WAC 173-400-100, whether publicly or privately owned, ((~~shall~~)) must register with the ((BCAA)) Agency unless exempted ((~~under Section 9.06 of this Article~~)).

Amended

Section 9.02 Source Registration Program Purpose and Components

A. Program purpose. The registration program is a program to develop and maintain a current and accurate record of air contaminant sources. Information collected through the registration program is used to evaluate the effectiveness of air pollution control strategies and to verify source compliance with applicable air pollution requirements.

B. Program components. The components of the registration program consist of:

1. Initial registration and annual or other periodic reports from stationary source owners providing information on location, size, height of contaminant outlets, processes employed, nature and quantity of the air contaminant emissions, and other information that is relevant to air pollution and available or reasonably capable of being assembled. For purposes of this chapter, information relevant to air pollution may include air pollution requirements established by rule, regulatory order, or ordinance pursuant to chapter RCW 70.94.

2. On-site inspections necessary to verify compliance with registration requirements.

3. Data storage and retrieval systems necessary for support of the registration program.

4. Emission inventory reports and emission reduction credits computed from information provided by source owners pursuant to registration requirements.

5. Staff reviews including engineering analysis for accuracy and currency of information provided by source owners pursuant to registration program requirements.

6. Clerical and other office support in direct furtherance of the registration program.

7. Administrative support provided in directly carrying out the registration program.

Amended

Section 9.03 Registered Source General Requirements

A. General. Any person operating or responsible for the operation of an air contaminant source in Benton County for which registration and reporting are required ~~((shall))~~ must register the source emission unit with the ~~((BCAA))~~ Agency. The owner or operator ~~((shall))~~ must make reports containing information as may be required by the ~~((BCAA))~~ Agency concerning location, size and height of contaminant outlets, processes employed, nature and quantity of the air contaminant emission and such other information as is relevant to air pollution and available or reasonably capable of being assembled.

B. Registration form. Registration information ~~((shall))~~ must be provided on forms supplied by the ~~((BCAA))~~ Agency and ~~((shall))~~ must be completed and returned within the time specified on the form. Emission units within the facility ~~((shall))~~ must be listed separately unless the ~~((BCAA))~~ Agency determines that certain emission units may be combined into process streams for purposes of registration and reporting.

C. Signatory responsibility. The owner, operator, or their designated management representative ~~((shall))~~ must sign the registration form for each source. The owner or operator of the source ~~((shall be))~~ is responsible for notifying the ~~((BCAA))~~ Agency of the existence of the source, and for the accuracy, completeness, and timely submittal of registration reporting information and any accompanying fee.

D. Operational and maintenance plan. Owners or operators of registered sources within Benton County ~~((shall))~~ must maintain an operation and maintenance plan for process and control equipment. The plan ~~((shall))~~ must reflect good industrial practice and ~~((shall))~~ must include a record of performance and periodic inspections of process and control equipment. In most instances, a manufacturer's operations manual or an equipment operation schedule may be considered a sufficient operation and maintenance plan. The plan ~~((shall))~~ must be reviewed and updated by the source owner or operator at least annually. A copy of the plan ~~((shall))~~ must be made available to the ~~((BCAA))~~ Agency upon request.

E. Report of closure. A report of closure ~~((shall))~~ must be filed with the ~~((BCAA))~~ Agency within ninety (90) days after operations producing emissions permanently cease at any applicable source under this section.

F. Report of change of ownership. A new owner or operator ~~((shall))~~ must report to the ~~((BCAA))~~ Agency within

ninety (90) days of any change of ownership or change in operator.

G. Operating permit program source exemption. Permit program sources, as defined in RCW 70.94.030 are not required to comply with the registration requirements of this Section.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Benton Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

Amended

Section 9.04 ~~((Source Registration Source List~~

The following sources shall register with the BCAA:

A. Any source classification listed below:

1. Abrasive blasting operation (WAC 173-460), ~~except portable blasting operations operating at a construction site, or at a site for less than thirty (30) days in any running twelve (12) month period and operations that are inside a building and any associated air pollution control equipment that exhausts inside of the building;~~
2. Adhesive manufacturing operations;
3. Agricultural chemical operations or soil amendment operations ~~including manufacturing, mixing, packaging, concentrators, and/or other activities;~~
4. Agricultural drying and dehydrating operations;
5. Asphalt and asphalt products production operations;
6. Brick and clay manufacturing operations ~~including tiles and ceramics;~~
7. Cattle feedlots with operational facilities which have ~~an inventory of one thousand or more cattle in operation between June 1 and October 1, where vegetation forage growth is not sustained over the majority of the lot during the normal growing season;~~
8. Chemical manufacturing operations;
9. Coffee roasting operations;
10. Composting operations ~~including commercial, industrial and municipal, but exempting residential composting activities;~~
11. Concrete product manufacturing operations;
12. Concrete manufacturing operations, ready mix and premix;
13. Crematoria ~~including human and animal crematoria;~~
14. Dry cleaning operations using solvents emitting VOCs or toxic air pollutants;
15. Flexible polyurethane foam, polyester resin, and styrene production operations;
16. Flexible vinyl and urethane coating and printing operations;
17. Gasoline dispensing facilities, bulk gasoline loading terminals, or bulk gasoline plants;
18. Grain handling facilities ~~including seed, animal feed, legume, and flour processing operations;~~
19. Hay cubing and pelletizer operations;
20. Hazardous waste treatment and disposal facilities;
21. Ink manufacturers;
22. Insulation and insulation fiber manufacturing;
23. Landfills, active and inactive ~~including covers, gas collections systems or flares;~~

24. Materials handling and transfer facilities that generate particulate matter—including pneumatic conveying, cyclones, baghouses, and industrial housekeeping vacuuming systems that exhaust to the atmosphere;

25. Metal casting facilities and foundries, ferrous and nonferrous;

26. Metal plating and anodizing operations;

27. Metallic and nonmetallic mineral processing plants—including rock crushing, sand, and gravel mixing operations;

28. Metallurgical and mineralogical processing operations;

29. Mills—including lumber, plywood, shake, shingle, woodchip, veneer operations, dry kilns, pulpwood insulating board, or any combination thereof;

30. Mills—including grain, seed, feed, flour production, and related activities;

31. Mills—including cabinet works, casket works, furniture, wood by-products, and other wood product manufacturing operations;

32. Natural gas transmission and distribution;

33. Paper manufacturing operations, except kraft and sulfite pulp mills;

34. Petroleum refineries;

35. Pharmaceutical production operations;

36. Plastics and fiberglass fabrication—including gel-coat, polyester resin, or vinyl ester coating operations;

37. Refuse systems—including landfills with gas collection systems and/or flares, hazardous waste treatment, storage, and disposal facilities,; and wastewater treatment plants other than private and publicly owned treatment works,;

38. Rendering facilities;

39. Semi-conductor manufacturing;

40. Soil and ground water remediation projects;

41. Surface coating operations—including automotive, metal, cans, pressure sensitive tape, labels, coils, wood, plastic, rubber, glass, paper and other substrates;

42. Surface coating manufacturers;

43. Synthetic fiber production operations;

44. Synthetic organic chemical manufacturing;

45. Tire recapping operations;

46. Wastewater treatment plants—including private and publicly owned treatment works with a rated capacity of more than 1 million gallons per day;

B. Any source that owns or operates any of the following equipment:

1. Boilers, all gas fired boilers above ten (10) million BTU/hr input;

2. Boilers, all solid and liquid fuel burning boilers with the exception of those utilized for residential heating;

3. Chemical evaporators or concentrators;

4. Flares utilized to combust any gaseous material;

5. Fuel burning equipment—including, but not limited to boilers, building and process heating units (external combustion) with per unit heat inputs of equal to or greater than any of the following:

a. 500,000 BTU/hr using coal or other solid fuels with a sulfur content of 0.5% or less;

b. 500,000 BTU/hr using waste or used oil meeting specifications in RCW 70.94.610;

e. 1,000,000 BTU/hr using kerosene, fuel oil, or any other liquid fuel, except used or waste oil;

d. 4,000,000 BTU/hr using gaseous fuels;

e. 400,000 BTU/hr using wood, wood waste, or paper.

6. Graphic art systems—including lithographic and screen printing operations;

7. Incinerators and combustion units

a. Commercial and industrial solid waste incineration units, defined as per WAC 173-400-050(4);

b. Small municipal waste combustion units, defined as per WAC 173-400-050(5)

c. Wood waste incinerators;

d. Any other solid, liquid, or gaseous waste incinerators;

8. Stationary internal combustion engines rated at 500 horsepower or greater—including standby and backup operations

9. Organic vapor collection systems within commercial or industrial facilities;

10. Ovens/furnaces, kilns and curing, burnout—including, but not limited to, ovens/furnaces that heat clean automotive parts, paint hooks, electric motors, etc.;

11. Degreasing and solvent cleaners, not subject to 40 CFR 63 Subpart T—including vapor, cold, open top, and conveyor cleaners;

12. Sterilizing operations—including ethylene oxide (EtO) and hydrogen peroxide;

13. Storage tanks for organic liquids within commercial or industrial facilities with capacities of twenty thousand (20,000) gallons or greater;

C. Any source that has a potential to emit any pollutant equal to or greater than the following:

1. 5.0 tons/yr of carbon monoxide (CO);

2. 2.0 tons/yr of nitrogen oxides (NO_x);

3. 2.0 tons/yr of sulfur dioxide (SO₂);

4. 1.25 tons/yr of particulate matter (PM or TSP);

5. 0.75 tons/yr of fine particulate matter (PM₁₀);

6. 2.0 tons/yr of volatile organic compounds (VOC);

7. 0.005 tons/yr of lead.

D. Any source subject to a federally enforceable emission limit under a Synthetic Minor Order.

E. Any source that is subject to permitting requirements of Washington Administrative Code 173-400 or 173-460.

F. Any other source determined to be registerable by the BCAA.))

Registered Source Emission Level Classifications

A. Gasoline Facilities:

1. Gasoline dispensing facilities (gas stations) using Stage I or Stage II vapor recovery systems, as defined in WAC 173-491-

2. Bulk gasoline plants, as defined in WAC 173-491;

3. Bulk gasoline terminals, as defined in WAC 173-491;

B. Class 1. Facilities and sources whose actual annual emissions are less than the following will be classified as Class 1 sources:

1. 20 tons/yr of carbon monoxide (CO);

2. 8 tons/yr of nitrogen oxides (NO_x);

3. 8 tons/yr of sulfur dioxide (SO₂);

4. 5 tons/yr of total suspended particulate (TSP);

5. 3 tons/yr of fine particulate matter (PM₁₀);
6. 8 tons/yr of volatile organic compounds (VOC);
7. 240 pounds/yr of lead;
8. 1,200 pounds/yr of fluorides;
9. 2,800 pounds/yr of sulfuric acid mist;
10. 2 tons/yr of hydrogen sulfide (H₂S); or
11. 2 tons/yr of total reduced sulfur, including H₂S.

C. Class 1 Toxic Source. Toxic air pollutants are those listed in WAC 173-460-150. Facilities and sources whose actual emissions are less than the following will be classified as Class 1 Toxic Sources:

1. One (1.0) ton/yr of a single toxic air pollutant; or
2. Two and one-half (2.5) tons/yr of a combination of toxic air pollutants will be classified as Class 1 Toxic Sources.

D. Class 2. Sources whose actual annual emissions are greater than that listed in Section 9.04.B, of this Regulation but less than one hundred (100) tons/yr of CO, NO_x, SO₂, TSP, PM₁₀, VOCs, or lead, will be classified as Class 2 Sources.

E. Class 2 Toxic Sources. Toxic air pollutants are those listed in WAC 173-460-150. Sources whose actual emissions are greater than that listed in Section 9.04.C of this Regulation, but less than ten (10) tons/yr of any single toxic air pollutant or less than twenty-five (25) tons/yr of a combination of toxic air pollutants, will be classified as Class 2 Toxic Sources:

F. Synthetic Minor Source. Sources that have requested and received a federally enforceable emissions limit that limits the total potential-to-emit of the facility to less than one hundred (100) tons/yr of any criteria pollutant, ten (10) tons/yr of any single hazardous air pollutant, or twenty-five (25) tons/yr of any combination of hazardous air pollutants are synthetic minor sources.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Benton Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

The following sections are rescinded:

Section 9.05 Registered Source Classification

Section 9.06 Registered Source, Exemptions

ARTICLE 10

Fees and Charges

ADOPTED: 17-Feb-2005; **EFFECTIVE:** 9-Apr-2005;
AMENDED: XX 2014

Amended

[Statutory Authority RCW 70.94.151, RCW 70.94.152]

Section 10.01 Fees and Charges Required

A. Unless otherwise provided, any fee assessed by the ((BCAA)) Agency ((shall)) must be paid within thirty (30) days of assessment. Failure to pay a fee may result in the commencement of a formal enforcement action.

B. Upon approval by the Board as part of the annual budget process, fees may be increased annually by at least the fis-

cal growth factor as determined by the Washington State Office of Financial Management.

C. Electronic Payment of Fees. A convenience fee, charged by the fee processor, may be charged to a source for the electronic payment of all or part of the fee at the rates set by the processor.

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.

Amended

Section 10.02 Fees Otherwise Provided

All fees and charges provided for in this Article ((shall)) must be in addition to fees otherwise provided for or required to be paid by Regulation 1, provided the Control Officer ((shall)) waives payment of any fee or service charge hereby required if such fee duplicates a fee charged or required to be paid by another Article of Regulation 1 of this regulation.

Amended

Section 10.03 ((Fee Waiver, Indigence)) Exemptions

~~((Except for fees required under Section 10.09, the Control Officer shall waive payment of all or a portion of any fee or service charge required by this Article to be paid upon a showing deemed sufficient by the Control Officer that the permit or service requested is necessary and payment of the fee would cause hardship upon the applicant. An applicant may apply for a fee waiver by filing a Fee Waiver due to Indigence Request Form supplied by the BCAA.))~~

A. The Control Officer may waive or reduce the registration fee for an operation provided a source presents sufficient demonstration of hardship circumstances.

B. Stationary sources subject to the Operating Permit Regulation, Chapter 173-401 WAC.

Amended

Section 10.04 General Administrative Fees

A. A fifty dollar (\$50.00) fee will be assessed for any check written to the ((BCAA)) Agency returned due to non-sufficient funds.

Amended

Section 10.05 Registered Source Fees

A. The ((BCAA)) Agency ((shall)) will charge an annual registration fee pursuant to RCW 70.94.151 for services provided in administering the registration program. Fees received under the registration program ((shall)) will not exceed the cost of administering the registration program. The Board ((shall)) will review the registration program on an annual basis.

B. All air contaminant sources required by ((Section 9.04 or 9.05)) Article 9 of this Regulation to be registered are subject to the following fees:

1. Class 1 and Class 1 Toxic ((s))Sources ((shall)) will pay an annual registration fee of:

- a. A base fee of three hundred fifty dollars (\$350.00);

b. Fifty dollars (\$50.00) per ton of criteria pollutant emitted;

c. One hundred fifty dollars (\$150.00) per ton or (~~pro-rated on~~) fraction of a ton of toxic air pollutant emitted; and

d. Fifty (\$50.00) dollars per emission process unit or emission point.

2. Class 2 and Class 2 Toxic ((s))~~Sources~~ ((shall)) will pay an annual registration fee of:

a. A base fee of seven hundred fifty dollars (\$750.00);

b. Fifty dollars (\$50.00) per ton of criteria pollutant emitted;

c. One hundred fifty dollars (\$150.00) per ton or (~~pro-rated on~~) fraction of a ton of toxic air pollutant emitted; and

d. Fifty (\$50.00) dollars per emission process unit or emission point

3. Synthetic Minor ((s))~~Sources~~ ((shall)) will pay an annual registration fee of:

a. A base fee of fifteen hundred dollars (\$1,500.00);

b. Fifty dollars (\$50.00) per ton of criteria pollutant emitted;

c. One hundred fifty dollars (\$150.00) per ton or (~~pro-rated on~~) fraction of a ton of toxic air pollutant emitted; and

d. Fifty (\$50.00) dollars per emission process unit or emission point

4. Gasoline facilities ((shall)) will pay an annual registration fee of:

a. Gasoline Loading Terminals: two thousand dollars (\$2,000.00) plus fifty dollars (\$50.00) per ton of pollutant emitted;

b. Bulk Gasoline Plants: eight hundred dollars (\$800.00) plus fifty dollars (\$50.00) per ton of pollutant emitted; and

c. Gasoline Dispensing Facilities:

i. Fee is determined by multiplying current annual gasoline throughput (greater than 400,000) in gallons times \$0.0005 per gallon.

ii. Fee for stations with annual throughput less than 400,000 gallons shall be two hundred dollars (\$200.00).

C. Fee Payment

~~(1. Fee Payment. The annual registration fee shall be due and payable on by April 15th of each year, unless otherwise specified in writing to the source by the BCAA.~~

2. Late Payment of Fees. A late fee shall be charged to a source for late payment of all or part of its annual registration fee at the following rates:

a. Ten percent (10%) of the annual registration fee for payment received up to the thirtieth (30th) day past the due date;

b. Fifteen percent (15%) of the annual registration fee for payment received between the thirty-first (31st) day and the sixtieth (60th) day past the due date; and

e. Twenty-five percent (25%) of the annual registration fee for payment received between the sixty-first day (61st) and the ninetieth (90th) day past the due date.

d. Failure to pay all or part of an annual registration fee after the ninety-first (91st) day past the due date may result in the commencement of a formal enforcement action.

3. Transfer in Ownership. Transfer in ownership of a source shall not affect that source's obligation to pay registration fees. Any liability for fee payment, including payment of

~~late payment and other penalties shall survive any transfer in ownership of a source.~~)

1. Fee Payment. The annual registration fee is due and payable by April 15th of each year, unless otherwise specified in writing to the source by the Agency.

2. Late Payment of Fees. A late fee will be charged to a source for late payment of all or part of its annual registration fee at the following rates:

a. Ten percent of the source's total assessed fee for payment received after the due date for fee payment but up to the first thirty days past the due date for fee payment;

b. Fifteen percent of the source's total assessed fee for payment received between the thirty-first day and the sixtieth day past the due date for fee payment; and

c. Twenty-five percent of the source's total assessed fee for payment received between the sixty-first day and the ninetieth day past the due date for fee payment.

3. Failure to Pay Fees. The Agency will charge a penalty to a permit program source under its jurisdiction for failure to pay all or part of its annual registration fee and/or penalties thereon after ninety days past the due date for fee payment in an amount three times the source's total assessed fee. Failure to pay all or part of an annual registration fee after the ninety first day past the due date may result in enforcement action.

4. Other Penalties. The penalties authorized in Section 10.09.A.5.b and c of this Regulation are additional to and in no way prejudice the Agency's ability to exercise other civil and criminal remedies, including the authority to revoke a source's operating permit for failure to pay all or part of its operating permit fee.

5. Facility Closure. Sources that permanently cease operations will be required to pay only a pro rata portion of the annual registration fee for the fiscal year in which they cease operations. The portion of the fee to be paid will be calculated by dividing the number of calendar days that have passed in the relevant calendar year at the time the source ceases operations by the total of 365 calendar days, and multiplying the fraction thus derived by the fee that the source would have paid for the relevant calendar year, had it not ceased operations.

6. Transfer in Ownership. Transfer in ownership of a source will not affect that source's obligation to pay registration fees. Any liability for fee payment, including payment of late payment and other penalties will survive any transfer in ownership of a source.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Benton Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Amended

Section 10.06 Fees for Application for Notice of Construction (NOC) and Application for Stationary and Portable Sources, for and Notice of Intent to Install and Operate a Temporary Relocating Portable Sources (NIO)

A. NOC ~~or NIO~~ Application Filing Fee. An application filing fee ((shall)) will be due and payable at the time of filing the NOC ~~or NIO~~ application. The filing fee is non-refundable.

1. Permanent stationary source. The filing fee ~~((shall be))~~ is four hundred dollars (\$400.00)

2. Portable source. The filing fee ~~((shall be))~~ is five hundred dollars (\$500.00).

~~((3. Relocation of portable or source. The filing fee shall be two hundred fifty dollars (\$250.00) and shall be charged each time the source relocates within the boundaries of Benton County. For Portable Rock Crushers, an additional PM fee shall apply per Table 10-1.))~~

B. Portable Source NIO Filing Fee. A Filing fee will be due and payable at the time of filing the NIO form. The filing fee is non-refundable. NIO must be received at least 15 days prior to starting operation.

1. Notice of Intent to Operate: The owner or operator of a portable source with a valid permit per WAC 173-400-036 must notify the Agency of the intent to relocate and operate within the jurisdiction of the Agency at least 15 days prior to starting operation by submitting a complete Notice of Intent to Operate (NIO). You must receive an Approval to Operate Portable Source from Benton Clean Air Agency prior to starting operation.

a. Relocation of portable source with the Agency permit. The filing fee will be one hundred fifty dollars (\$150.00) and will be charged each time the source relocates within the boundaries of Benton County. Additional fees will apply per Table 10-1.

b. Inter Jurisdictional Relocation of portable sources under WAC 173-400-036. The filing and technical review fee will be five hundred dollars (\$500.00). Additional fees will apply per Table 10-1.

~~((B))~~ C. NOC or NIO Engineering Examination and Inspection Fee.

1. An examination and inspection fee ~~((shall))~~ will be charged according to Table 10-1. The engineering and inspection fee ~~((shall))~~ will be due and payable at the time of filing the NOC or NIO, unless otherwise specified to the applicant by the ~~((BCAA))~~ Agency.

2. Emergency application or expedited review fee ~~((shall))~~ will be two (2) times the normal application and review fee.

~~((C))~~ D. Additional Fees

Additional fees may be charged according to Table 10-2. Table 10-2 fees are cumulative. The additional fees ~~((shall be))~~ is due and payable at the time of filing the NOC or NIO, unless otherwise specified to the applicant by the ~~((BCAA))~~ Agency.

1. Fee amounts in Table 10-1 and 10-2 listed as "Actual" are based upon the BCAA's actual cost to complete a review or task and ~~((shall be))~~ is determined using the actual or direct hours expended completing the specific review or task.

~~((If the staff time required to review a permit application exceeds the listed amounts associated with the applicable review fee specified in Table 10-1 and 10-2, the applicant will be invoiced for each additional work hour at the current engineering charge rate in dollars per hour.))~~

2. If an NOC or NIO applicability determination fee is received by the BCAA and an NOC or NIO is determined not to be required, the Engineering Examination and Inspection Fee ~~((shall))~~ will be the actual time expended at the current engineering charge rate in dollars per hour.

~~((D))~~ E. Any NOC or NIO application received by the ~~((BCAA))~~ Agency without the accompanying fee ~~((shall))~~ will be rejected and returned to sender. Such action ~~((shall))~~ will not constitute a determination of completeness or incompleteness as per WAC 173-400-110.

Amended

Table 10-1: NOC or NIO Engineering Examination and Inspection Fees

CATEGORY	FEE
Fuel Burning Equipment with or without Air Pollution Equipment (million Btu/hr)	
5 or less	\$500
Greater than 5 to 10	\$600
Greater than 10 to 30	\$750
Greater than 30 to 50	\$900
Greater than 50 to 100	\$1,200
Greater than 100 to 250	\$2,500
Greater than 250 to 500	\$4,000
Greater than 500	\$6,000
Fuel change or new fuel 1/2 new installation fee	
Process Equipment, Air Pollution Control Device, and/or Uncontrolled Process Discharge (ft³/min)	
50 or less	\$600
Greater than 50 to 5,000	\$700
Greater than 5,000 to 20,000	\$800
Greater than 20,000 to 50,000	\$900
Greater than 50,000 to 100,000	\$950
Greater than 100,000 to 250,000	\$1,000
Greater than 250,000 to 500,000	\$2,000
Greater than 500,000	\$4,000
Refuse Burning Equip (tons/day)	
0.5 or less	\$700
Greater than 0.5 to 5	\$800
Greater than 5 to 12	\$1,000
Greater than 12 to 50	\$3,000
Greater than 50 to 250	\$6,000
Greater than 250	\$12,000
Other Incinerators (pounds/hr)	
100 or less	\$300
Greater than 100 to 200	\$600
Greater than 200 to 500	\$1,200
Greater than 500 to 1000	\$2,400
Greater than 1000	\$3,000
Storage Tanks (gal)	
10,000 or less	\$600

CATEGORY	FEE
Greater than 10,000 to 40,000	\$1000
Greater than 40,000 to 100,000	\$1,500
Greater than 100,000	\$2,000
Gasoline Dispensing Facilities	
Stage I	\$500
Stage II	\$600
Stage I and II Combined	\$700
Toxics review for gasoline facility	\$1,500
Removal of Stage II	\$600
Spray Painting (per booth)	\$500
Dry Cleaner (per machine)	\$600
Coffee Roaster	\$700
Asphalt Plant, Cement Plant, or Rock Crushing Plant (Non-Portable)	\$2,000
Asphalt Plant or Concrete Plant, Plant (Portable) engineering fee	\$500
Initial Filing Fee	\$400
Particulate matter and fugitive emissions from rock crushing, material transfer and ship loading (Emissions - tons per year):	
Less than or equal to 10	\$600.00
Greater than 10 to 50	\$1,000.00
Greater than 50 to 100	\$1,500.00
Greater than 100 to 250	\$2,500.00
Greater than 250	\$6,000.00
Diesel engine generators/pumps (Aggregate horsepower rating):	
Less than or equal to 100	\$600.00
Greater than 100 to 500	\$700.00
Greater than 500 to 2,000	\$1,000.00
Greater than 2,000 to 5,000	\$1,500.00
Greater than 5,000 to 10,000	\$3,000.00
Greater than 10,000	\$6,000.00
Soil Thermal Desorption Unit	
Initial	\$3,000
Relocation of Unit	\$1,000
Odor Source	\$500
Composting Facility	Actual
Landfill Gas System	Actual
Soil and Groundwater Remediation	Actual
Review of projects under RCW 70.105D.090	
	Actual

CATEGORY	FEE
Review of Ecology "Agreed Orders" and "Consent Orders" pursuant to RCW 70.105D.090(1).	Actual
All other sources not listed	greater of \$1000 or Actual

Amended

Table 10-2: Additional Fees

CATEGORY	FEE
Public Noticing	Actual
Publishing of Public Notices	Actual
Public Hearings	Actual
Air Toxics Screening as per ((WAC)) Chapter 173-460 WAC	
Review of source supplied ASIL	\$300
Review of source supplied risk analysis	\$1000
((BCAA)) Agency conducted screening analysis	Actual
NOC/NIO Application Assistance	Actual
NOC/NIO Applicability Determination	Actual
NOC-CEM or Alternate Monitoring Device Installed	Actual
((SEPA Threshold Determination (lead agency))	Actual))
Environmental Impact Statement Review	Actual
NOC Order of Approval Modification	lesser of 1/2 NOC/NIO fee or \$350
RACT/BACT/MACT/BART/LAER Determination	Actual
Emission Offset Analysis	Actual
Emission Reduction Credit (ERC) Application	Actual
Variance Request	Actual
Alternative Opacity Limits Review	Actual
Inspection of Source that began Construction/Operation without Approval/Permit	greater of \$500 or Actual
Follow up inspection after identified violations have not been fixed	\$100.00
Synthetic Minor Determination	Actual
Major Source, Major Modification, or PSD Thresholds	Actual

CATEGORY	FEE
Emission Units subject to NSPS or NESHAP (except residential woodstoves, heaters, asbestos renovation or demolition and PCE dry cleaning)	Actual
Construction or Reconstruction of a Major Source of Hazardous Air Pollutants	Actual
Each CEM or Alternate Monitoring Device	Actual
Each Source Test Required in NOC	Actual
Opacity/Gain Loading Correlation	Actual
Bubble Application	Actual
Netting Analysis	Actual

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Benton Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Amended

Section 10.07 State Environmental Policy Act (SEPA) Fees

A. Where review of an Environmental Impact Statement (EIS), Environmental Checklist, or an addendum to, or adoption of, an existing environmental document pursuant to ((WAC)) Chapter 197-11 WAC is required, in association with an NOC or a NIO, the applicant ((shall)) will pay a review fee of the greater of:

Amended

Section 10.08 Asbestos Fees

1. One-hundred fifty dollars (\$150.00), due and payable at the time of submittal; or

2. Actual costs to complete the review or task and ((shall)) will be determined using the actual or direct hours expended completing the specific review and the corresponding hourly rate of each ((BCAA)) Agency staff person directly involved. Actual costs ((shall)) will be billed by the ((BCAA)) Agency to the owner, operator, or applicant after a threshold determination has been made and/or a preliminary determination has been issued

B. Additional fees may be charged according to Table 10-2. Table 10-2 fees are cumulative. The additional fees ((shall)) will be due and payable at the time of filing, unless otherwise specified to the applicant by the ((BCAA)) Agency.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Benton Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

Amended

Section 10.07 Asbestos Fees

A. Any fee required under Table 10-3 for asbestos projects ((shall)) will be due and payable at the time of filing, unless otherwise specified to the applicant by the ((BCAA)) Agency.

B. Failure to pay all or part of the fee may result in the commencement of a formal enforcement action.

C. The waiting period begins at the time of filing.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Benton Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

Table 10-3: Asbestos Fees

Asbestos Projects at Residential Units	
Activity	Fee
Demolition	\$25.00
Renovation: Any amount in lin. ft or ft ²	\$25.00
Demolition or Renovation Amendment	\$30.00
Emergency Renovation Operation	\$60.00
Alternate Removal Methods	Two (2) times renovation fee

Asbestos Projects at Facilities	
Activity	Fee
Demolition	\$25.00
Renovation: 10 to 259 lin. ft or 48 to 159 ft ²	\$150.00
260 to 999 lin. ft or 160 to 4,999 ft ²	\$300.00
1,000 to 9,999 lin. ft or 5,000 to 49,999 ft ²	\$600.00
Over 10,000 lin. ft or Over 50,000 ft ²	\$1800.00
Annual Renovation	\$1800.00
Demolition or Renovation Amendment	\$60.00
Emergency Renovation Operation	Two (2) times renovation fee

Asbestos Projects at Facilities	
Activity	Fee
Alternate Removal Methods	Two (2) times renovation fee

Demolition/Asbestos Projects at Residential Units		
Activity	Waiting Period	Fee
Demolition	5 Days	\$50
Owner Occupied Single Family Residence Asbestos Project >10 linear ft. or >48 sq. ft. performed by residing owner	Prior Notice	\$25
All Other Residential Asbestos Projects . 10 linear feet or >48 sq. ft	3 Days	\$50
Demolition or Asbestos Project Amendment	Prior Notice	\$0
Emergency Notification Waiver	Prior Notice	Twice the Regular Fee
Asbestos Project Using Alternate Work Practices	10 Days	Twice the Regular Fee

Demolition/Asbestos Projects at Facilities		
Activity	Waiting Period	Fee
Demolition	10 Days	\$150
Asbestos Project:	10 Days	\$150
10 to 259 ln ft and/or 48 to 159 ft ²		
260 to 999 ln ft and/or 160 to 4,999 ft ²	10 Days	\$325
1,000 to 9,999 ln ft and/or 5,000 to 49,999 ft ²	10 Days	\$650
Over 10,000 ln ft and/or Over 50,000 ft ²	10 Days	\$1800
Annual Notification	Prior Notice	\$1800
Demolition or Asbestos Project Amendment	Prior Notice	\$0
Emergency Notification Waiver	Prior Notice	Twice the Regular Fee
Asbestos Project Using Alternate Work Practices	10 Days	Twice the Regular Fee

Asbestos Containing Waste Material Temporary Storage Permit	
ACWM Temporary Storage Permit Application	\$75

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Benton Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Amended

Section 10.09 Title 5 Air Operating Permit Fees

[Statutory Authority RCW 70.94.161]

All eligible sources under ~~((WAC))~~ Chapter 173-401 ~~((shall be))~~ are subject to the annual fees described in this ~~((s))~~ Section.

A. Permanent annual fee determination and certification
1. Fee Determination

a. Fee Determination. The ~~((BCAA))~~ Agency ~~((shall))~~ will develop a fee schedule using the process outlined below, according to which it will collect fees from permit program sources under its jurisdiction. The fees ~~((shall be))~~ are to be sufficient to cover all permit administration costs. The ~~((BCAA))~~ Agency ~~((shall))~~ will also collect its jurisdiction's share of Ecology's development and oversight costs. The fee schedule ~~((shall))~~ will differentiate as separate line items the ~~((BCAA))~~ Agency's and Ecology's fees. Opportunities for public participation ~~((shall))~~ will be afforded throughout the

fee determination process, as provided in Section 10.09.A.3 ~~((8-A)(3)(a))~~ of this regulation.

b. Fee Eligible Activities. The costs of permit administration and development and oversight activities are fee eligible.

~~((i))~~ 1. Permit Administration. Permit administration costs are those incurred by ~~((BCAA))~~ the Agency in administering and enforcing the operating permit program with respect to sources under its jurisdiction. Eligible permit administration costs are as follows:

(A) Pre-application assistance and review of an application and proposed compliance plan for a permit, permit revision, or renewal;

(B) Source inspection, testing, and other data-gathering activities necessary for the development of a permit, permit revision, or renewal;

(C) Acting on an application for a permit, permit revision, or renewal, including the costs of developing an applicable requirement as part of the processing of a permit, permit revision, or renewal, preparing a draft permit and fact

sheet, and preparing a final permit, but excluding the costs of developing BACT, LAER, BART, or RACT requirements for criteria and toxic air pollutants;

(D) Notifying and soliciting, reviewing and responding to comment from the public and contiguous states and tribes, conducting public hearings regarding the issuance of a draft permit and other costs of providing information to the public regarding operating permits and the permit issuance process;

(E) Modeling necessary to establish permit limits or to determine compliance with permit limits;

(F) Reviewing compliance certifications and emissions reports and conducting related compilation and reporting activities;

(G) Conducting compliance inspections, complaint investigations, and other activities necessary to ensure that a source is complying with permit conditions;

(G) Administrative enforcement activities and penalty assessment, excluding the costs of proceedings before the pollution control hearings board and all costs of judicial enforcement;

(I) The share attributable to permitted sources of the development and maintenance of emissions inventories;

(J) The share attributable to permitted sources of ambient air quality monitoring and associated recording and reporting activities;

(K) Training for permit administration and enforcement;

(L) Fee determination, assessment, and collection, including the costs of necessary administrative dispute resolution and penalty collection;

(M) Required fiscal audits, periodic performance audits, and reporting activities;

(N) Tracking of time, revenues and expenditures, and accounting activities;

(O) Administering the permit program including the costs of clerical support, supervision, and management;

(P) Provision of assistance to small businesses under the jurisdiction of the permitting authority as required under section 507 of the Federal Clean Air Act; and

(Q) Other activities required by operating permit regulations issued by the United States Environmental Protection Agency under the Federal Clean Air Act.

~~(ii)~~ 2. Ecology Development and Oversight. Development and oversight costs are those incurred by Ecology in developing and administering the state operating permit program and in overseeing the administration of the program by the delegated local authorities. Development and oversight costs are in Chapter 252, Laws of 1993 Section 6 (2)(b).

c. Workload Analysis.

~~(i)~~ 1. The ~~(BCAA)~~ Agency ~~(shall)~~ will conduct an annual workload analysis of the previous years' work, to projecting resource requirements for the purpose of preparation for permit administration. The workload analysis ~~(shall)~~ will include resource requirements for both the direct and indirect costs of the permit administration activities in Section ~~((10-08 (A)(1)(b)(i)))~~ 10.09.A.1.b of this Regulation.

~~(ii)~~ 2. Ecology will, for the two-year period corresponding to each biennium, identify the development and oversight activities that it will perform during that biennium. The eligible activities are those referenced in Section ~~((10-08 (A)(1)(b)(ii)))~~ 10.09.A of this Regulation

d. Budget Development. The ~~(BCAA)~~ Agency ~~(shall)~~ will annually prepare an operating permit program budget. The budget ~~(shall)~~ will be based on the resource requirements identified in an annual workload analysis and ~~(shall)~~ will take into account the projected fund balance at the start of the calendar year. The ~~(BCAA)~~ Agency ~~(shall)~~ will publish a draft budget for the following calendar year on or before May 31 and ~~(shall)~~ will provide opportunity for public comment ~~((thereon))~~ in accordance with ~~((10-08 (A)(3)(a)))~~ Chapter 173-401 WAC Operating Permit Regulation. The ~~(BCAA)~~ Agency ~~(shall)~~ will publish a final budget for the following calendar year on or before June 30.

e. Allocation Method.

~~(i)~~ 1. Permit Administration Costs. The ~~(BCAA)~~ Agency ~~(shall)~~ will allocate its permit administration costs and its share of Ecology's development and oversight costs among the permit program sources for ~~((whom))~~ which it acts as permitting authority, according to a three-tiered model based upon:

(A) ~~((#))~~ The number of sources under its jurisdiction;

(B) ~~((#))~~ The complexity of the sources under its jurisdiction, and

(C) ~~((#))~~ The size of the sources under its jurisdiction, as measured by the quantity of each regulated pollutant emitted. The quantity of each regulated pollutant emitted by a source ~~(shall)~~ will be determined based on the annual emissions data during the most recent calendar year for which data is available. Each of the three tiers ~~(shall)~~ will be equally weighted.

~~(ii)~~ 2. Ecology Development and Oversight Costs. Ecology will allocate its development and oversight costs among all permitting authorities, including the ~~(BCAA)~~ Agency, based upon the number of permit program sources under the jurisdiction of each permitting authority. If Ecology determines that it has incurred extraordinary costs in order to oversee a particular permitting authority and that those costs are readily attributable to the particular permitting authority, Ecology may assess to that permitting authority such extraordinary costs.

f. Fee Schedule. The ~~(BCAA)~~ Agency ~~(shall)~~ will issue annually a fee schedule reflecting the permit administration fee and Ecology's development and oversight fee to be paid by each permit program source under its jurisdiction. The fee schedule ~~(shall)~~ will be based on the information contained in the final source data statements for each year; the final source data statements ~~(shall)~~ will be issued after opportunity for petition and review has been afforded in accordance with Section ~~((10-08 (A)(4)))~~ 10.09.A.4 of this Regulation.

2. Fee Collection - Ecology and ~~(BCAA)~~ Agency.

a. Collection from Sources. The ~~(BCAA)~~ Agency, as a delegated local authority, ~~(shall)~~ will collect the fees from the permit program sources under its jurisdiction.

~~(i)~~ 1. Permit Administration Costs. The ~~(BCAA)~~ Agency ~~(shall)~~ will collect from permit program sources under its jurisdiction fees sufficient in the aggregate to cover its permit administration costs.

~~(ii)~~ 2. Ecology Development and Oversight Costs. The ~~(BCAA)~~ Agency ~~(shall)~~ will collect from permit program sources under its jurisdiction fees sufficient in the

aggregate to cover its share of Ecology's development and oversight costs.

b. Dedicated Account.

~~((i-))~~ All receipts from fees collected by the ~~((BCAA))~~ Agency, as a delegated local authority, from permit program sources ~~((pursuant to RCW 70.94.152(1), and RCW 70.94.161, Section 6 of Chapter 252, Laws of 1993, and Section 8 of Chapter 252, Laws of 1993 shall))~~ will be deposited in the dedicated account~~((s of its treasury))~~. Expenditures from these dedicated accounts will be used only for the activities described in RCW 70.94.~~((152(1), and RCW 70.94.161, Section 6 of Chapter 252, Laws of 1993, and Section 8 of Chapter 252, Laws of 1993.~~

ii. All receipts from fees collected by BCAA on behalf of Ecology from permit program sources pursuant to RCW 70.94.152(1), and RCW 70.94.161, Section 6 of Chapter 252, Laws of 1993, and Section 8 of Chapter 252, Laws of 1993 shall be deposited in the air operating permit account created under RCW 70.94.015. Expenditures from the air operating permit account may be used only for the activities described in RCW 70.94.152(1), and RCW 70.94.161, Section 6 of Chapter 252, Laws of 1993, and Section 8 of Chapter 252, Laws of 1993.)

3. Accountability

a. Public Participation ~~((D))~~ during Fee Determination Process. The ~~((BCAA))~~ Agency ~~((shall))~~ will provide for public participation in the fee determination process described under ~~((10.08(A)(1-))~~ Section 10.09.A.1 of this Regulation which provision ~~((shall))~~ will include but not be limited to the following:

~~((i-))~~ 1) The ~~((BCAA))~~ Agency ~~((shall))~~ will provide opportunity for public review of and comment on:

- (A) ~~((e))~~ Each annual workload analysis;
- (B) ~~((e))~~ Each annual budget; and
- (C) ~~((e))~~ Each annual fee schedule

~~((ii-))~~ 2) The ~~((BCAA))~~ Agency ~~((shall))~~ will submit to Ecology for publication in the Permit Register notice of issuance of its draft annual workload analysis, issuance of its draft annual budget and issuance of its draft annual fee schedule.

~~((iii-))~~ 3) The ~~((BCAA))~~ Agency ~~((shall))~~ will make available for public inspection and to those requesting opportunity for review copies of its draft:

- (A) ~~((a))~~ Annual workload analysis on or before March 31;~~((:))~~
- (B) ~~((a))~~ Annual budget on or before May 31;~~((:))~~
- (C) ~~((a))~~ Annual fee schedule on or before December 31.

~~((iv-))~~ 4) The ~~((BCAA))~~ Agency ~~((shall))~~ will all provide a minimum of thirty (30) days for public comment on the draft annual workload analysis and draft annual budget. Such thirty-day period for comment ~~((shall))~~ will run from the date of publication of notice in the Permit Register as provided in Section. 10.09.A ~~((8(A)(3)(a)(ii-))~~

b. Tracking of Revenues, Time and Expenditures.

~~((i-))~~ 1) Revenues. The ~~((BCAA))~~ Agency ~~((shall))~~ will track revenues on a source-specific basis.

~~((ii-))~~ 2) Time and Expenditures. The ~~((BCAA))~~ Agency ~~((shall))~~ will track time and expenditures on the basis of functional categories as follows:

- (A) ~~((a))~~ Application review and permit issuance;

(B) ~~((b))~~ Permit modification;

(C) ~~((c))~~ Permit maintenance;

(D) ~~((d))~~ Compliance and enforcement;

(E) ~~((e))~~ Business assistance;

(F) ~~((f))~~ Regulation and guidance development;

(G) ~~((g))~~ Management and training;

(H) ~~((h))~~ Technical support.

~~((iii-))~~ 3) Use of Information Obtained from Tracking Revenues, Time and Expenditures. The ~~((BCAA))~~ Agency ~~((shall))~~ will use the information obtained from tracking revenues, time and expenditures to modify its workload analysis during each calendar year's review provided for under Section 10.09.A ~~((8(A)(1)(d-))~~ of this Regulation.

~~((iv-))~~ 4) The information obtained from tracking revenues, time, and expenditures ~~((shall))~~ will not provide a basis for challenge to the amount of an individual source's fee.

c. Periodic Fiscal Audits, Reports and Performance Audits. A system of regular, periodic fiscal audits, reports and performance audits ~~((shall))~~ will be conducted in order to evaluate Ecology's and the ~~((BCAA))~~ Agency's operating permit program administration, as follows:

~~((i-))~~ 1) Fiscal Audits. The ~~((BCAA))~~ Agency ~~((shall))~~ will contract with the State Auditor to perform a standard fiscal audit of its operating permit program every other year.

~~((ii-))~~ 2) Annual Routine Performance Audits. The ~~((BCAA))~~ Agency ~~((shall))~~ will be subject to annual routine performance audits, except that the routine audit ~~((shall))~~ will be incorporated into the extensive performance audit, conducted pursuant to Section 10.09.A ~~((8(A)(3)(e)(v-))~~ of this Regulation in each year during which an extensive performance is conducted. Ecology ~~((shall))~~ will issue guidance regarding the content of the routine performance audits and ~~((shall))~~ will conduct the ~~((BCAA))~~ Agency audits.

~~((iii-))~~ 3) Annual Random Individual Permit Review. One permit issued by the ~~((BCAA))~~ Agency ~~((shall))~~ will be subject to review in conjunction with the annual routine performance. The permit to be reviewed ~~((shall))~~ will be selected at random. Ecology ~~((shall))~~ will issue guidance regarding the content of the random individual permit review and ~~((shall))~~ will conduct the ~~((BCAA))~~ Agency review.

~~((iv-))~~ 4) Periodic Extensive Performance Audits. The ~~((BCAA))~~ Agency ~~((shall))~~ will be subject to extensive performance audits every five years. In addition, the ~~((BCAA))~~ Agency may be subject to an extensive performance audit more frequently under the conditions of Section 10.09.A ~~((8(A)(3)(e)(v-))~~ of this Regulation. Ecology ~~((shall))~~ will issue guidance regarding the content of the extensive performance audits and ~~((shall))~~ will conduct the audits of this ~~((BCAA))~~ Agency.

~~((v-))~~ 5) Finding of Inadequate Administration or Need for Further Evaluation. If, in the process of conducting a fiscal audit, annual routine audit, or annual random individual permit review, the auditor or Ecology finds that the ~~((BCAA))~~ Agency is inadequately administering the operating permit program or finds that further evaluation is immediately warranted, an extensive performance audit ~~((shall))~~ will be conducted, as provided in Section 10.09.A ~~((8(A)(3)(e)(v-))~~ of this Regulation.

~~((vi-))~~ 6) Annual Reports. The ~~((BCAA))~~ Agency ~~((shall))~~ will prepare an annual report evaluating its operating

permit program administration. Such report ~~((shall))~~ will include any findings of the auditor or Ecology resulting from the relevant fiscal audits, annual routine audits, annual random individual permit reviews or periodic extensive performance audits. The ~~((BCAA))~~ Agency ~~((shall))~~ will submit its report to its Board and to Ecology.

4. Administrative Dispute Resolution.

a. Preliminary Statement of Source Data. The ~~((BCAA))~~ Agency ~~((shall))~~ will provide to the permit program sources under their respective jurisdictions a preliminary statement of emissions and other data from that source upon which the ~~((BCAA))~~ Agency intends to base its allocation determination under Section 10.09.A ~~((8-A)(1)(e))~~ of this Regulation. Such preliminary statement ~~((shall))~~ will be provided to the permit program sources on or before September 30 of each year. Such preliminary statement ~~((shall))~~ will indicate the name, address and telephone number of the person or persons to whom the source or other individual may direct inquiries and/or petitions for review under Section 10.09.A ~~((8-A)(4)(b))~~ of this Regulation regarding the accuracy of the data contained therein.

b. Petition for Review of Statement. A permit program source or other individual under the jurisdiction of the ~~((BCAA))~~ Agency, as a delegated local authority, may petition to review for accuracy the data contained in the preliminary source data statement provided for under Section 10.09.A ~~((8-A)(4)(a))~~ of this Regulation. Such petition ~~((shall))~~ will be lodged on or before October 31 of each year. Such petition ~~((shall))~~ will be in writing, directed to the individual indicated on the statement of source data. Such petition shall indicate clearly the data to be reviewed, the specific action that the source or petitioning individual is requesting be taken and may, if the source or petitioning individual desires, be accompanied by written documentation supporting the request for review. Such petition ~~((shall))~~ will, in addition, state the name, address and telephone number of the person or persons to whom the ~~((BCAA))~~ Agency may direct inquiries regarding the request. Upon receipt of such a petition, the ~~((BCAA))~~ Agency, as a delegated local authority, must issue its written response to the petitioner on or before November 30 of each year. Such response ~~((shall))~~ will state the conclusions of the review and the reasons therefore, and ~~((shall))~~ will contain a new preliminary source data statement, revised to reflect any changes necessitated by the ~~((BCAA))~~ Agency's response.

c. Final Source Data Statement. The ~~((BCAA))~~ Agency ~~((shall))~~ will provide to the permit program sources under its jurisdiction a final statement of emissions and other data from that source upon which the ~~((BCAA))~~ Agency will base its allocation determination under Section 10.09.A ~~((8-A)(1))~~ of this Regulation along with an invoice reflecting the fee billed to that source on or before December 31 of each year.

5. Fee Payment and Penalties

a. Fee Payment~~((:))~~: Each permit program source ~~((shall))~~ will pay a fee in the amount reflected in the invoice issued under Section 10.09.A ~~((8-A)(4)(e))~~ of this Regulation. Such fee ~~((shall))~~ will be due on or before February 28 of each year.

b. Late Payment of Fees~~((:))~~: ~~((BCAA))~~ Agency ~~((shall))~~ will charge a penalty to a permit program source under its jurisdiction for late payment of all or part of its operating permit fee at the following rates:

~~((i-))~~ 1) Ten percent of the source's total assessed fee for payment received after the due date for fee payment but up to the first thirty days past the due date for fee payment;

~~((ii-))~~ 2) Fifteen percent of the source's total assessed fee for payment received between the thirty-first day and the sixtieth day past the due date for fee payment; and

~~((3-))~~ 3) Twenty-five percent of the source's total assessed fee for payment received between the sixty-first day and the ninetieth day past the due date for fee payment.

c. Failure to Pay Fees~~((:))~~: The ~~((BCAA))~~ Agency ~~((shall))~~ will charge a penalty to a permit program source under its jurisdiction for failure to pay all or part of its operating permit fee and/or penalties thereon after ninety days past the due date for fee payment in an amount three times the source's total assessed fee.

d. Other Penalties~~((:))~~: The penalties authorized in Section 10.09.A ~~((8-A)(5)(b) and (e))~~ of this Regulation, are additional to and in no way prejudice the ~~((BCAA))~~ Agency's ability to exercise other civil and criminal remedies, including the authority to revoke a source's operating permit for failure to pay all or part of its operating permit fee.

e. Facility Closure~~((:))~~: Sources that permanently cease operations ~~((shall))~~ will be required to pay only a pro rata portion of the annual operating permit fee for the fiscal year in which they cease operations. The portion of the fee to be paid ~~((shall))~~ will be calculated by dividing the number of calendar days that have passed in the relevant calendar year at the time the source ceases operations by the total of 365 calendar days, and multiplying the fraction thus derived by the fee that the source would have paid for the relevant calendar year, had it not ceased operations.

f. Transfer in Ownership~~((:))~~: Transfer in ownership of a source ~~((shall))~~ will not affect that source's obligation to pay operating permit fees. Any liability for fee payment, including payment of late payment and other penalties ~~((shall))~~ will survive any transfer in ownership of a source.

6. Development and Oversight Remittance by Local Authorities to Ecology

a. Ecology will provide to the ~~((BCAA))~~ Agency a statement of the share of Ecology's development and oversight costs for which it is responsible for collecting from sources under its jurisdiction on or before December 31 of each year.

b. The ~~((BCAA))~~ Agency ~~((shall))~~ will remit to Ecology one-half of the share of Ecology's development and oversight costs for which it is responsible for collecting from sources under its jurisdiction on or before March 31 of each year and ~~((shall))~~ will remit to Ecology the balance of its share of Ecology's development and oversight costs on or before June 30 of each year.

B. Air Operating Permit sources are not subject to fees under the Registration Program.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Benton Clean Air 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.

Amended

Section 10.10 Special Burning Permit Fees

[Statutory Authority RCW 70.94.6528]

A. An application fee of fifty dollars (\$75.00) is due and payable at the time of submittal of a request for special burning permit. The application fee is non-refundable.

B. An additional fee for inspection and oversight costs ((shall) will) be charged for each submittal of a request for special burning permit. The additional fee ((shall) will) be calculated based upon the volume of the material to be burned. The additional fee ((shall) will) not exceed eight dollars and fifty cents (\$8.50) per cubic yard or the adjusted amount according to ((WAC)) Chapter 173-425 WAC.

C. The additional fee ((shall) will) be due and payable within thirty (30) days of issuance of the special burning permit. Special burning permit fees ((shall) will) be due within thirty (30) days of issuance of the special burning permit.

D. A late fee of twenty-five dollars (\$25.00) may be charged for special burning permit fees that have not been paid within thirty (30) days of issuance of the special burning permit. Failure to pay said fee within sixty (60) days of the issuance of the special burning permit may result in the commencement of a formal enforcement action.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Benton Clean Air Agency and appears 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.

Amended

Section 10.11 Agricultural Burning Permit Fees

A. An application fee for an agricultural burning permit ((shall) will) be due and payable at the time of submittal of the application. Refunds may be issued by the ((BCAA)) Agency for acres or tons not burned under each permit provided the adjusted fee after subtracting refunds is no less than the minimum fee

B. Permit Fee Schedule. The agricultural burning permit fee schedule established through Chapter 173-430 WAC applies.

~~((B. Permit Fee Schedule. Table 10-4 shows the permit fee schedule, starting in the calendar year 2011. This fee schedule will remain in place until ecology and the task force adjust it using the process in WAC 173-430-042.))~~

Table 10-4 Agricultural Burning Fee Schedule

Fee	Minimum Fee	Variable Fee
Field Burning	30\$ for the first 10 acres	\$3.00 for each additional aere
Spot Burning	\$30 for the first 10 acres or less	None
Pile Burning	\$80 for the first 100 tons	\$0.50 for each additional ton))

Reviser's note: The spelling errors in the above material occurred in the copy filed by the Benton Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Amended

ACRONYMS AND ABBREVIATIONS

- ACM Asbestos Containing Material
- ARP Application for Relief from Penalty
- BACT Best Available Control Technology
- BART Best Available Retrofit Technology
- AWP Alternate Work Plan
- BCAA Benton Clean Air Agency Board
- Board Benton Clean Air Agency Board of Directors
- BTU British Thermal Unit (unit of measure)
- CEM Continuous Emission Monitoring
- CFR U.S. Code of Federal Regulations
- Ecology Washington State Department of Ecology
- ERC Emission Recovery Credit
- LAER Lowest Achievable Emission Rate
- MACT Maximum Achievable Control Technology
- NESHAP National Emission Standards for Hazardous Air Pollutants
- NOC Notice of Construction
- NIO Notice of Intent to Install and Operate a Temporary Source
- NOI Notice of Intent to Demolish or Remove Asbestos
- NOP Notice of Penalty
- NSPS New Source Performance Standard
- PCHB Washington State Pollution Control Hearings Board
- PSD Prevention of Significant Deterioration
- RACM Regulated Asbestos Containing Material
- RACT Reasonably Available Control Technology
- RCW Revised Code of Washington
- SEPA State Environmental Policy Act
- UGA Urban Growth Area
- USC United States Code
- WAC Washington Administrative Code

WSR 14-17-128
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Children's Administration)
[Filed August 20, 2014, 10:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-11-101.

Title of Rule and Other Identifying Information: Amending chapter 388-145 WAC, Licensing requirements for group care facilities and services; chapter 388-147 WAC, Licensing requirements for child-placing agencies and adoption services; and chapter 388-148 WAC, Licensing requirements for child foster homes; and repealing chapter 388-160 WAC.

CURRENT WAC		PROPOSED WAC		
Chapters 388-145, 388-147, 388-148, and 388-160 WAC		388-145	388-147	388-148
Chapter 388-145 WAC				
WAC 388-145-0010	What is the purpose of this chapter?	388-145-1300	NA	NA
WAC 388-145-0020	What definitions apply to this chapter?	388-145-1305	NA	NA
WAC 388-145-0030	What is an emergency respite center?	388-145-1305 388-145-2010	NA	NA
WAC 388-145-0040	What services may be provided or arranged for by the emergency respite center?	388-145-1305	NA	NA
WAC 388-145-0050	Are there services an emergency respite center may not provide?	388-145-2025	NA	NA
WAC 388-145-0060	What age children may a center serve?	388-145-2010	NA	NA
WAC 388-145-0070	Who may place children at a center?	388-145-2015	NA	NA
WAC 388-145-0080	Is a license required?	388-145-1310	NA	NA
WAC 388-145-0090	How old do I have to be to apply for a license?	388-145-1320	NA	NA
WAC 388-145-0100	What personal characteristics must a person have to provide care to children at a center?	388-145-1330	NA	NA
WAC 388-145-0110	What personal information may I be required to provide to be licensed?	388-145-1325	NA	NA
WAC 388-145-0120	How do I apply for a license?	388-145-1325	NA	NA
WAC 388-145-0130	What is required to document completed background checks on staff?	388-145-1510 (1)(m)	NA	NA
WAC 388-145-0140	What first aid and cardiopulmonary resuscitation (CPR) training is required?	388-145-1500	NA	NA
WAC 388-145-0150	What HIV/AIDS and bloodborne pathogens training is required?	388-145-1505	NA	NA
WAC 388-145-0160	How long do I have to complete the licensing application packet?	388-145-1340	NA	NA
WAC 388-145-0170	Does the department need to approve the program I offer?	388-145-1335	NA	NA
WAC 388-145-0180	May a facility have more than one type of license?	388-145-1380 388-145-2000	NA	NA
WAC 388-145-0190	What hours may a center be open?	388-145-1305	NA	NA
WAC 388-145-0200	How does the department decide how many children a center may serve?	388-145-1365	NA	NA
WAC 388-145-0210	Will the department grant exceptions to the licensing requirements?	388-145-1395	NA	NA
WAC 388-145-0220	Does the department issue probationary licenses?	388-145-1415	NA	NA
WAC 388-145-0230	When is a license denied, suspended or revoked?	388-145-1390	NA	NA
WAC 388-145-0240	Are there any other reasons that could potentially cause me to lose my license?	388-145-1390	NA	NA
WAC 388-145-0250	What happens when a licensor is notified that a licensee has received a noncompliance support order from the division of child support?	NA	NA	NA

CURRENT WAC		PROPOSED WAC		
Chapters 388-145, 388-147, 388-148, and 388-160 WAC		388-145	388-147	388-148
WAC 388-145-0260	How will the department notify me if my license is denied, suspended, or revoked?	388-145-1400(2)	NA	NA
WAC 388-145-0270	What may I do if I disagree with the department's decision to deny, suspend or revoke my license?	388-145-1405	NA	NA
WAC 388-145-0280	Where do I post my license?	388-145-1335 (2)(g)	NA	NA
WAC 388-145-0290	What changes to my center must I report to my licensor?	388-145-1550	NA	NA
WAC 388-145-0300	Must I comply with the requirements of the Washington state patrol fire protection bureau to receive a license?	388-145-1335(3)	NA	NA
WAC 388-145-0310	Do I need to notify the local fire department of the location of my center?	388-145-1665 (1), (7) 388-145-1550 (1), (a) 388-145-1555(8)	NA	NA
WAC 388-145-0320	Are local ordinances part of the licensing requirements?	388-145-1555(8)	NA	NA
WAC 388-145-0330	Are there other fire safety requirements for inside a center?	388-145-1600 388-145-1665 388-145-1555(5)	NA	NA
WAC 388-145-0340	What are the requirements for smoke detectors?	388-145-1675	NA	NA
WAC 388-145-0350	What are the requirements for a fire evacuation plan?	388-145-1670 388-145-1700(1)	NA	NA
WAC 388-145-0360	What fire prevention measures must I take?	388-145-1665	NA	NA
WAC 388-145-0370	What are the requirements for fire drills?	388-145-1685	NA	NA
WAC 388-145-0380	What fire safety procedures do center staff need to know?	388-145-1685	NA	NA
WAC 388-145-0390	What are the requirements for fire sprinkler systems?	388-145-1665(1)	NA	NA
WAC 388-145-0400	Does an ERC need approval from the department of health to operate?	388-145-1335(3)	NA	NA
WAC 388-145-0410	What are the physical structure safety requirements for a center?	388-145-1665 388-145-1555	NA	NA
WAC 388-145-0420	What are the requirements for the location of a center?	388-145-1555	NA	NA
WAC 388-145-0430	What are the requirements for emergency aid vehicle access to my center?	388-145-1555(8)	NA	NA
WAC 388-145-0440	What steps must I take to ensure children's safety around outdoor bodies of water?	388-145-1590	NA	NA
WAC 388-145-0450	What measures must I take for pest control?	38-145-1555(4)	NA	NA
WAC 388-145-0460	What are the requirements regarding pets and animals at a center?	388-145-1645	NA	NA
WAC 388-145-0470	Are alcoholic beverages allowed at a center?	388-145-1650	NA	NA
WAC 388-145-0480	Is smoking permitted around children?	388-145-1655	NA	NA
WAC 388-145-0490	May I have firearms at a center?	388-145-1660	NA	NA
WAC 388-145-0500	May I use wheeled baby walkers?	388-145-1555(14)	NA	NA
WAC 388-145-0510	Are there requirements for the storage of medications?	388-145-1850	NA	NA
WAC 388-145-0520	Are there requirements for storing dangerous chemicals or other substances?	388-145-1580	NA	NA
WAC 388-145-0530	Are first-aid supplies required?	388-145-1640	NA	NA
WAC 388-145-0540	What are the requirements for medical policies and procedures for a center?	388-145-1635 (6), (7)	NA	NA
WAC 388-145-0550	Must all children accepted for care have current immunizations?	388-145-1835(3)	NA	NA
WAC 388-145-0560	What must I do to prevent the spread of infections and communicable diseases?	388-145-1635	NA	NA
WAC 388-145-0570	How do I manage medications for children?	388-145-1855	NA	NA
WAC 388-145-0580	May I accept medicine from a child's parent or guardian?	388-145-1875	NA	NA
WAC 388-145-0590	When may children take their own medicine?	388-145-1880	NA	NA
WAC 388-145-0600	Are there general menu requirements?	388-145-1790	NA	NA
WAC 388-145-0610	How often must I feed children at a center?	388-145-1795	NA	NA

CURRENT WAC		PROPOSED WAC		
Chapters 388-145, 388-147, 388-148, and 388-160 WAC		388-145	388-147	388-148
WAC 388-145-0620	How do I handle a child's special diet?	388-145-1790(7) 388-145-1800	NA	NA
WAC 388-145-0630	Do you have special requirements for serving milk?	388-145-1805	NA	NA
WAC 388-145-0640	What home canned foods may I use?	388-145-1790(3)	NA	NA
WAC 388-145-0650	What requirements must I meet for feeding babies?	388-145-1805 388-145-1810	NA	NA
WAC 388-145-0660	Are there room requirements?	388-145-1335(2) 388-145-1555 388-145-1570	NA	NA
WAC 388-145-0670	What does the room temperature at a center need to be?	388-145-1555(2) 388-145-1595 (1)(e)	NA	NA
WAC 388-145-0680	What are the kitchen requirements?	388-145-1555(3) 388-145-1790(4)	NA	NA
WAC 388-145-0690	May I use the kitchen for activities for children?	NA	NA	NA
WAC 388-145-0700	May a room be used for more than one purpose?	388-145-1595 (1)(a) (in part)	NA	NA
WAC 388-145-0710	What are the general requirements for bedrooms?	388-145-1600	NA	NA
WAC 388-145-0720	What are the requirements for beds?	388-145-1610	NA	NA
WAC 388-145-0730	Are there requirements for the use of cribs?	388-145-1610(4)	NA	NA
WAC 388-145-0740	What are the requirements for diapers and diaper-changing areas?	388-145-1620	NA	NA
WAC 388-145-0750	What are the requirements for bathing facilities?	388-145-1565	NA	NA
WAC 388-145-0760	Do I need a telephone?	388-145-1555(10)	NA	NA
WAC 388-145-0770	What are the lighting requirements?	388-145-1555 (2) and (6)	NA	NA
WAC 388-145-0780	What are the requirements for ventilation?	388-145-1555 (2) and (12)	NA	NA
WAC 388-145-0790	What are the requirements about drinking water?	388-145-155[5] (3) and (4)	NA	NA
WAC 388-145-0800	What are the requirements for sewage and liquid wastes?	388-145-1585 (1) and (2)	NA	NA
WAC 388-145-0810	What are the requirements for laundry facilities?	388-145-1615	NA	NA
WAC 388-145-0820	What are the requirements for washing clothes?	388-145-1615 (2)(f)	NA	NA
WAC 388-145-0830	Do I need a housekeeping sink?	388-145-1560(3)	NA	NA
WAC 388-145-0840	What are the requirements for handwashing sinks?	388-145-1565	NA	NA
WAC 388-145-0850	What are the requirements for toilets?	388-145-1560	NA	NA
WAC 388-145-0860	Must a center have toilet training equipment for children?	388-145-1560 (1)(d)	NA	NA
WAC 388-145-0870	What are the requirements for indoor play areas?	388-145-1570	NA	NA
WAC 388-145-0880	What are the requirements for an outdoor play area?	388-145-1575	NA	NA
WAC 388-145-0890	What are the size requirements for an outdoor play area?	388-145-1575	NA	NA
WAC 388-145-0900	What are the requirements for playground equipment?	NA	NA	NA
WAC 388-145-0910	Are there requirements to follow when I transport children?	388-145-1755	NA	NA
WAC 388-145-0920	What does the department require for keeping client records?	388-145-1520	NA	NA
WAC 388-145-0930	What written information is needed before a child is admitted to a center?	388-145-2020	NA	NA
WAC 388-145-0940	What are the requirements for protecting a child under my care from abuse or neglect?	388-145-1390 (1)(g)	NA	NA
WAC 388-145-0950	What are the nondiscrimination requirements?	388-145-1710	NA	NA
WAC 388-145-0960	Do I have to admit or retain all children at the center?	388-145-1370	NA	NA
WAC 388-145-0970	Do I have responsibility for a child's personal hygiene?	388-145-1780	NA	NA
WAC 388-145-0980	Do I have responsibility for a child's personal items at the center?	388-145-1615(2)	NA	NA
WAC 388-145-0990	What requirements must I follow when disciplining children?	388-145-1815	NA	NA
WAC 388-145-1000	What types of disciplinary practices are forbidden?	388-145-1815 (8) and (9)	NA	NA
WAC 388-145-1010	Does the department require a written statement describing my discipline methods?	388-145-1815(1)	NA	NA

CURRENT WAC		PROPOSED WAC		
Chapters 388-145, 388-147, 388-148, and 388-160 WAC		388-145	388-147	388-148
WAC 388-145-1020	What types of physical restraint are acceptable?	388-145-1820	NA	NA
WAC 388-145-1030	What types of physical restraint are not acceptable for children?	388-145-1820(3)	NA	NA
WAC 388-145-1040	What must I do following an incident that involved using physical restraint?	388-145-1825	NA	NA
WAC 388-145-1050	What incidents involving children must I report?	388-145-1535	NA	NA
WAC 388-145-1060	What is the ratio of child care staff to children at a center?	388-145-2005	NA	NA
WAC 388-145-1070	What are the requirements for supervision of children at a center?	388-145-1750	NA	NA
WAC 388-145-1080	What are the responsibilities of the director?	388-145-1425(1) (director) and 388-145-1430 (1) (program director)	NA	NA
WAC 388-145-1090	Are there general qualifications for all staff in an emergency respite center?	388-145-1470(3)	NA	NA
WAC 388-145-1100	What are the minimum qualifications and training requirements for center staff?	Qualifications: 388-145-1425 (director), 388-145-1430 (program manager), 388-145-1440 (case manager), 388-145-1445 (direct care staff, formerly child care staff), 388-145-1475 (volunteers). Training: 388-145-1490 (pre-service) and 388-145-1495 (in-service), 388-145-1500 (first aid/CPR), 388-145-1505 (HIV/AIDS). TB test: 388-145-1335(4). Food handler's permit: 388-145-1790(4). Background check: 388-145-1325(2).	NA	NA
WAC 388-145-1110	May one person hold two positions at a center?	388-145-1470	NA	NA
WAC 388-145-1120	Who must be on the premises while children are in care at a center?	388-145-1430(1) 388-145-1435 388-145-2005	NA	NA
WAC 388-145-1130	Are child care assistants allowed to provide care to a group of children without supervision?	NA-Child care assistants no longer identified in WAC.	NA	NA
WAC 388-145-1140	Are volunteers allowed to provide child care to children without supervision?	388-145-145 (1)(b)	NA	NA
WAC 388-145-1150	Do volunteers count in the staff-to-child ratio respite center?	NA-Volunteers meet the definition of direct care staff.	NA	NA
WAC 388-145-1160	Are professional consultants and case managers needed?	388-145-1460 (consultants) and 388-145-1440 (case management staff).	NA	NA
WAC 388-145-1170	What clerical, accounting and administrative services do I need?	388-145-1465(1)	NA	NA
WAC 388-145-1180	What support and maintenance staff do I need?	388-145-1465(2)	NA	NA
WAC 388-145-1190	Is in-service training required for staff?	388-145-1495	NA	NA
WAC 388-145-1200	What are the requirements for an activity program?	388-145-1735(1)	NA	NA
WAC 388-145-1210	What activities must I provide to children?	388-145-1735(2)	NA	NA
WAC 388-145-1220	What types of toys must I provide?	388-145-1735(1)	NA	NA
Chapter 388-147 WAC				

CURRENT WAC		PROPOSED WAC		
Chapters 388-145, 388-147, 388-148, and 388-160 WAC		388-145	388-147	388-148
WAC 388-147-0010	What authority does the department of social and health services have to license residential programs for pregnant and parenting teens and their children?	388-145-1300	NA	NA
WAC 388-147-0020	What is the purpose of this chapter?	388-145-1300	NA	NA
WAC 388-147-0030	What definitions do I need to know to understand this chapter?	388-145-1305	NA	NA
WAC 388-147-0040	Is a license required to provide care to pregnant and parenting teens and their children?	388-145-1310	NA	NA
WAC 388-147-0050	How old do I have to be to apply for a license?	388-145-1320	NA	NA
WAC 388-147-0060	What personal characteristics are needed to be licensed?	388-145-1330	NA	NA
WAC 388-147-0070	What is required when completing an application for licensing?	388-145-1325 388-145-1335	NA	NA
WAC 388-147-0080	How long does an applicant have to complete the licensing application packet?	388-145-1340	NA	NA
WAC 388-147-0090	Will the department license or continue to license a facility if the facility does not meet the licensing requirements?	388-145-1390	NA	NA
WAC 388-147-0100	Does the department issue a probationary license?	388-145-1415	NA	NA
WAC 388-147-0110	When is a license denied, suspended or revoked?	388-145-1390(1)	NA	NA
WAC 388-147-0120	Are there any other reasons that might cause me to lose my license?	388-145-1390(2)	NA	NA
WAC 388-147-0130	When is an employee or volunteer disqualified from having unsupervised access to a child or youth in a licensed facility?	388-145-1400	NA	NA
WAC 388-147-0140	How is the applicant or licensee notified if the department decides to modify, deny, suspend, or revoke a license?	388-145-1390(3)	NA	NA
WAC 388-147-0150	What may an applicant or licensee do if he or she disagrees with the department's decision to modify, deny, suspend or revoke the license?	388-145-1405	NA	NA
WAC 388-147-0160	Does the department need to approve the program offered for pregnant and parenting teens?	388-145-2125	NA	NA
WAC 388-147-0170	Is a program description required as part of the license application?	388-145-1335(1)	NA	NA
WAC 388-147-0180	What must be included in a pregnant and parenting teen program?	388-145-2120(2)	NA	NA
WAC 388-147-0190	What independent living skills may be offered?	388-145-2120(3)	NA	NA
WAC 388-147-0200	Is a residential facility for pregnant and parenting teens required to provide childcare?	388-145-2120(5)	NA	NA
WAC 388-147-0210	What are the requirements about nondiscrimination?	388-145-1710	NA	NA
WAC 388-147-0220	Is participation in the program conditional on a teen's decision about keeping or relinquishing her child?	388-145-2125(2)	NA	NA
WAC 388-147-0230	What are your requirements for keeping client records?	388-145-1520	NA	NA
WAC 388-147-0240	What personnel policies must a program have?	388-145-1420 (1)(d) 388-145-1510 (1)(m)	NA	NA
WAC 388-147-0250	Must the facility license be posted?	388-145-1345	NA	NA
WAC 388-147-0260	What are the qualifications for an executive director?	388-145-1425	NA	NA
WAC 388-147-0270	Is a supervisor or case consultant needed?	388-145-1460	NA	NA
WAC 388-147-0280	What are the qualifications of a case manager?	388-145-1440	NA	NA
WAC 388-147-0290	What are the responsibilities of the case manager?	388-145-1440(1)	NA	NA
WAC 388-147-0300	What are the required ratios of case management staff to youth?	388-145-1480	NA	NA
WAC 388-147-0310	Is an on-site facilities manager required?	388-145-1430(1)	NA	NA
WAC 388-147-0320	What are the qualifications for an on-site facilities manager?	388-145-1430(3)	NA	NA
WAC 388-147-0330	What are the responsibilities of the on-site facilities manager?	388-145-1430(1)	NA	NA
WAC 388-147-0340	What clerical, accounting and administrative services are needed?	388-145-1465(1)	NA	NA
WAC 388-147-0350	What support and maintenance staff are needed?	388-145-1465(2)	NA	NA

CURRENT WAC		PROPOSED WAC		
Chapters 388-145, 388-147, 388-148, and 388-160 WAC		388-145	388-147	388-148
WAC 388-147-0360	What first aid and cardiopulmonary resuscitation (CPR) training is required?	388-145-1500	NA	NA
WAC 388-147-0370	What HIV/AIDS and bloodborne pathogens training is required?	388-145-1505	NA	NA
WAC 388-147-0380	What steps must be taken to prevent the spread of infections and communicable diseases?	388-145-1635	NA	NA
WAC 388-147-0390	Is in-service training required?	388-145-1495	NA	NA
WAC 388-147-0400	What types of disciplinary practices are forbidden at a facility?	388-145-1815 (8) and (9)	NA	NA
WAC 388-147-0410	What are the reporting requirements?	388-145-1535	NA	NA
WAC 388-147-0420	What changes to a facility must the licensee report to the licensor?	388-145-1550	NA	NA
WAC 388-147-0430	How is the capacity determined for a facility?	388-145-1365	NA	NA
WAC 388-147-0440	Are there general food service requirements?	388-145-1790	NA	NA
WAC 388-147-0450	What are the requirements for managing medications?	388-145-1855	NA	NA
WAC 388-147-0460	What are the requirements for transporting children and youth?	388-145-1755	NA	NA
WAC 388-147-0470	What are the requirements for beds?	388-145-1610	NA	NA
WAC 388-147-0480	May wheeled baby walkers be used?	388-145-1555(14)	NA	NA
WAC 388-147-0490	What health and safety requirements are there?	388-145-1335(3)	NA	NA
WAC 388-147-0500	Are local ordinances part of the licensing requirements?	388-145-1355	NA	NA
WAC 388-147-0510	What are the requirements regarding the location of a facility?	388-145-1555(11)	NA	NA
WAC 388-147-0520	What physical structure safety requirements must a facility meet?	388-145-1555(1)	NA	NA
WAC 388-147-0530	What measures are required for pest control?	388-145-1555(4)	NA	NA
WAC 388-147-0540	What are the requirements regarding pets and animals in a facility?	388-145-1645	NA	NA
WAC 388-147-0550	Are alcoholic beverages or illegal drugs allowed at a facility?	388-145-1[6]50	NA	NA
WAC 388-147-0560	Is smoking permitted around children or youth?	388-145-1655	NA	NA
WAC 388-147-0570	Are firearms allowed at a facility?	388-145-1660	NA	NA
WAC 388-147-0580	What are the requirements for storing dangerous chemicals or other substances?	388-145-1580	NA	NA
WAC 388-147-0590	What first-aid supplies are needed?	388-145-1640	NA	NA
WAC 388-147-0600	Is a telephone required at the facility?	388-145-1555(10)	NA	NA
WAC 388-147-0610	What are the lighting requirements for the facility?	388-145-1555(2)	NA	NA
WAC 388-147-0620	What are the requirements for laundry facilities?	388-145-1615(3)	NA	NA
WAC 388-147-0630	What are the requirements for toilets, sinks, and bathing facilities?	388-145-1560	NA	NA
WAC 388-147-0640	What are the requirements about drinking water?	388-145-1585(3)	NA	NA
WAC 388-147-0650	What are the requirements for sewage and liquid wastes?	388-145-1585 (1) and (2)	NA	NA
WAC 388-147-0660	Is a disaster plan required?	388-145-1670	NA	NA
WAC 388-147-0670	What fire safety procedures do case management and facility staff need to know?	388-145-1665(3)	NA	NA
WAC 388-147-0680	What fire safety requirements must the licensee follow?	388-145-1665(1)	NA	NA
WAC 388-147-0690	What other requirements must I follow for smoke detectors?	388-145-1675	NA	NA
WAC 388-147-0700	What fire safety instruction is required for children and youth residing in a facility?	388-145-1685 388-145-1670 (2)(a)	NA	NA
WAC 388-147-0710	What are the requirements for a fire or other emergency evacuation plan?	388-145-1670	NA	NA
WAC 388-147-0720	Are there different construction and fire safety requirements for facilities that have multiple licenses in the same building?	388-145-1695	NA	NA
Chapter 388-148 WAC				
WAC 388-148-0005	What is the purpose of this chapter?	388-145-1300	388-147-1300	388-148-1300
WAC 388-148-0010	What definitions do I need to know to understand this chapter?	388-145-1305	388-147-1305	388-148-1305

CURRENT WAC		PROPOSED WAC		
Chapters 388-145, 388-147, 388-148, and 388-160 WAC		388-145	388-147	388-148
WAC 388-148-0015	Am I required to have a license to provide care to children?	388-145-1310	388-147-1310	388-148-1310
WAC 388-148-0020	When is a license not required if I provide care to children?	388-145-1310	388-147-1310	388-148-1310
WAC 388-148-0025	How do you decide how many children I may serve in my home or facility?	388-145-1365	388-147-1390(2)	388-148-1385
WAC 388-148-0030	How old do I have to be to apply for a license to provide care to children?	388-145-1320	388-147-1320	388-148-1365(1)
WAC 388-148-0035	What personal characteristics do I need to provide care to children?	388-145-1330(4)	388-147-1330(4)	388-148-1365
WAC 388-148-0040	What first-aid and cardiopulmonary resuscitation (CPR) training is required?	388-145-1500	388-147-1510	388-148-1375 (2)(a) and (b)
WAC 388-148-0045	What HIV/AIDS and bloodborne pathogens training is required?	388-145-1505	388-147-1515	388-148-1375 (2)(c)
WAC 388-148-0050	How do I apply for a license?	388-145-1325	388-147-1325	388-148-1315
WAC 388-148-0055	How long do I have to complete the licensing application packet?	388-145-1340	388-147-1340	388-148-1315(1) 388-148-1340
WAC 388-148-0058	May I receive more than one in-home family license?	388-145-1380	388-147-1375	388-148-1330
WAC 388-148-0060	May my relative or I be certified by a child-placing agency to be a foster parent and be an employee of that same agency?	NA	NA	388-148-1355
WAC 388-148-0065	When may I be certified to provide care to children?	388-145-1385	NA	388-148-1360
WAC 388-148-0070	Is there a difference between licensing and certification?	NA	388-147-1345 388-147-1350	388-148-1350
WAC 388-148-0075	May I be licensed with the department and certified by a child-placing agency at the same time?	NA	NA	388-148-1350(2)
WAC 388-148-0080	What may I do if I disagree with the decision of a child-placing agency that I do not meet the licensing requirements?	NA	NA	388-148-1350
WAC 388-148-0085	Will the department license or continue to license a home or facility if the home or facility does not meet the licensing requirements?	388-145-1395	388-147-1415	388-148-1630
WAC 388-148-0090	Does the department issue [a] probationary license?	388-145-1415	388-147-1435	388-148-1655
WAC 388-148-0095	When are licenses denied, suspended or revoked?	388-145-1390 388-145-1350	388-147-1410 388-147-1360	388-148-1625 388-148-1345
WAC 388-148-0098	When is an employee or volunteer disqualified from having unsupervised access to a child in a licensed home, facility, or agency?	388-145-1400	388-147-1420	388-148-1635
WAC 388-148-0100	Are there any other reasons that might cause me to lose my license?	388-145-1390	388-147-1410	388-148-1640
WAC 388-148-0105	How do you notify me if you have modified, denied, suspended, or revoked my license?	388-145-1390(3)	388-147-1410(3)	388-148-1635(2)
WAC 388-148-0110	What may I do if I disagree with your decision to modify, deny, suspend or revoke my license?	388-145-1390(3)	388-147-1410(3)	388-148-1645
WAC 388-148-0115	May I appeal the decision of the office of administrative hearings' administrative law judge?	388-145-1405 388-145-1410	388-147-1425 388-147-1430	388-148-1645 388-148-1650
WAC 388-148-0120	What incidents involving children must I report?	388-145-1535	388-147-1540	388-148-1420
WAC 388-148-0123	What are my reporting responsibilities when a child is missing from care?	388-145-1540	388-147-1545	388-148-1425
WAC 388-148-0125	What are your requirements for keeping client records?	388-145-1520 388-145-1525	388-147-1525 388-147-1530 388-147-1655(6) 388-147-1720	388-148-0405 [1405]
WAC 388-148-0127	What are the requirements for information kept in facility logs for staffed residential homes and group care programs?	388-145-1515	NA	NA
WAC 388-148-0130	What information may I share about a child or a child's family?	388-145-1530	388-147-1535	388-148-1410
WAC 388-148-0135	What changes to my home or facility must I report to my licensor?	388-145-1550	388-147-1550	388-148-1430

CURRENT WAC		PROPOSED WAC		
Chapters 388-145, 388-147, 388-148, and 388-160 WAC		388-145	388-147	388-148
WAC 388-148-0140	What personnel policies must I have?	388-145-1420 (1)(d) 388-145-1510 (1)(m) 388-145-1335 (1)(c)	388-147-1520	NA
WAC 388-148-0145	Where do I post my license?	388-145-1345(3) 388-145-1335 (2)(g)	388-147-1335 (2)(f)	388-148-1325(3)
WAC 388-148-0150	Are local ordinances part of the licensing requirements?	388-145-1355	388-147-1365	388-148-1440(8)
WAC 388-148-0155	What physical structure safety requirements must my home or facility meet?	388-145-1555	388-147-1555	388-148-1440
WAC 388-148-0160	What measures must I take for pest control?	388-145-1555(4)	NA	388-148-1440 (2)(b)
WAC 388-148-0165	What are the requirements regarding the location of my home or facility?	388-145-1555 (7), (8), (9)	388-147-1555 388-147-1375(2) 388-147-1550 (1)(a)	388-148-1465(9) 388-148-1440(7)
WAC 388-148-0170	What steps must I take to ensure children's safety around outdoor bodies of water?	388-145-1590	NA	388-148-1455
WAC 388-148-0175	What are your requirements regarding pets and animals in my home or facility?	388-145-1645	NA	388-148-1480
WAC 388-148-0180	Are alcoholic beverages or illegal drugs allowed at my home or facility?	388-145-1650	388-147-1565	388-148-1485
WAC 388-148-0185	Is smoking permitted around children?	388-145-1655	388-147-1570	388-148-1495
WAC 388-148-0190	May I have firearms in my home or facility?	388-145-1660	388-147-1575	388-148-1500
WAC 388-148-0195	What are your requirements for storing dangerous chemicals or other substances?	388-145-1580	NA	388-148-1440 (2)(c) and (3)
WAC 388-148-0200	Do I need first-aid supplies?	388-145-1640	388-147-1625 (3)(c)	388-148-1550(7)
WAC 388-148-0205	What requirements are there for the storage of medications?	388-145-1850	NA	388-148-1565 388-148-1570
WAC 388-148-0210	What requirements do I need to follow when I transport children?	388-145-1755	388-147-1625	388-148-1510
WAC 388-148-0215	May I use wheeled baby walkers?	388-145-1555(14)	NA	388-148-1450(4)
WAC 388-148-0220	What fire safety requirements must I follow to qualify for a license?	388-145-1665	388-147-1580	388-148-1465
WAC 388-148-0225	What fire safety requirements are there for exits?	388-145-1665 388-145-1600(3) 388-145-1555(5)	NA	388-148-1465(2)
WAC 388-148-0230	Are there other fire safety requirements for inside a foster home or staffed residential home licensed for five or fewer children?	388-145-1600	NA	NA
WAC 388-148-0235	What are the requirements for smoke detectors for foster homes and staffed residential homes licensed for five or fewer children?	388-145-1675(1)	388-147-1580 (1)(b)	388-148-1465(6)
WAC 388-148-0240	What are the requirements for fire extinguishers in homes and facilities?	388-145-1690	388-147-1580(2)	388-148-1465(7)
WAC 388-148-0245	What fire escape measures must be taken for multilevel homes and facilities?	388-145-1665 (1), (4)(d)	NA	388-148-1465(2)
WAC 388-148-0250	What fire safety instructions must I give to children residing in a home or staffed residential home licensed for five or fewer children?	388-145-1665(2)	NA	388-148-1460(4)
WAC 388-148-0255	What are the requirements for a fire evacuation plan?	388-145-1670 388-145-1685	388-147-1585	388-148-1460
WAC 388-148-0260	What are the general requirements for bedrooms?	388-145-1600 388-145-2105	NA	388-148-1470
WAC 388-148-0265	What are additional requirements for bedrooms for more than one person?	388-145-1605	NA	388-148-1475
WAC 388-148-0270	What are the requirements for beds?	388-145-1610 388-145-2105	NA	388-148-1470

CURRENT WAC		PROPOSED WAC		
Chapters 388-145, 388-147, 388-148, and 388-160 WAC		388-145	388-147	388-148
WAC 388-148-0275	Do I need a telephone at my home or facility?	388-145-1335 (2)(b) 388-145-1555(10)	388-147-1335 (2)(b) 388-147-1555(1)	388-148-1450(3)
WAC 388-148-0280	What are the lighting requirements for my home or facility?	388-145-1555 (2)(6)	388-147-1555(1)	388-148-1440(1)
WAC 388-148-0290	What does the room temperature for my home or facility need to be?	388-145-1555(2) 388-145-1595 (1)(e)	388-147-1555(1)	388-148-1440(1)
WAC 388-148-0300	How must I ventilate my home or facility?	388-145-1615 (1)(e) 388-145-1555(2)	388-147-1555(1)	388-148-1440(1)
WAC 388-148-0305	What are the requirements for laundry facilities?	388-145-1615	388-147-1555(1)	388-148-1440(4)
WAC 388-148-0310	What are the requirements for washing clothes?	388-145-1615 (3)(f)	388-147-1555(1)	388-148-1440(4)
WAC 388-148-0315	What are the requirements for toilets, sinks, and bathing facilities?	388-145-1560 388-145-1565	388-147-1555(1)	388-148-1440(1)
WAC 388-148-0320	What are the requirements about drinking water?	388-145-1585	388-147-1555(1)	388-148-1445(2) 388-148-1520(9)
WAC 388-148-0325	What are the requirements for sewage and liquid wastes?	388-145-1585	388-147-1555(1)	388-148-1445(1)
WAC 388-148-0330	Am I required to obtain a child's health history?	388-145-1835 388-145-1520 (3)(e)	388-147-1525 388-147-1630	388-148-1415
WAC 388-148-0335	When must I get an EPSDT exam for a child under my care?	388-145-1840	388-147-1640	388-148-1550(3)
WAC 388-148-0340	What are the requirements for immunizations for children?	388-145-1885	388-147-1525 (4)(e) and (f)	388-148-1555
WAC 388-148-0345	What must I do to prevent the spread of infections and communicable diseases?	388-145-1635	388-147-1560	388-148-1505
WAC 388-148-0350	What are the requirements for obtaining consent for medical care for children under my care?	388-145-1845	388-147-1645	388-148-1560
WAC 388-148-0352	What are the requirements for the management of medication for children in my care?	388-145-1855 388-145-1860 388-145-1865 388-145-1870	388-147-1635 (1)(b)	388-148-1565 388-148-1570 388-148-1575 388-148-1585 388-148-1590
WAC 388-148-0355	May I accept medicine from a child's parent or guardian?	388-145-1875	388-147-1650	388-148-1595
WAC 388-148-0365	When may children take their own medicine?	388-145-1880	NA	388-148-1580
WAC 388-148-0370	What food and meal guidelines must I follow?	388-145-1790	NA	388-148-1515
WAC 388-148-0375	How often must I feed children?	388-145-1795	NA	388-148-1515(1)
WAC 388-148-0380	How do I handle a child's special diet?	388-145-1800 388-145-2075	NA	388-148-1515(4)
WAC 388-148-0385	Are there special requirements for serving milk?	388-145-1805	NA	388-148-1515 (5) - (7)
WAC 388-148-0390	What home-canned foods may I use?	388-145-1790(3)	NA	388-148-1515(3)
WAC 388-148-0395	What requirements must I meet for feeding babies?	388-145-1805 (3), (4), (5)	NA	388-148-1520(3)
WAC 388-148-0400	What are the requirements for diapers and diaper-changing areas?	388-145-1620	NA	388-148-1415(1)
WAC 388-148-0405	Do I have responsibility for a child's clothing?	388-145-1615	NA	388-148-1470 388-148-1520(9)
WAC 388-148-0410	May a child take personal belongings after being discharged from a home or facility?	388-145-1775	NA	388-148-1545
WAC 388-148-0415	Do I have responsibility for a child's personal hygiene?	388-145-1780	NA	388-148-1520(9)
WAC 388-148-0420	What are the requirements for protecting a child under my care from abuse and neglect?	388-145-1300(1) 388-145-2010	388-147-1300(1)	388-148-1300(1) 388-148-1520(1)
WAC 388-148-0422	What are the requirements for privacy for children in out-of-home placements?	388-145-1785 388-145-1600 388-145-1790(7)	NA	388-148-1540
WAC 388-148-0425	What are the requirements about nondiscrimination?	388-145-1710	388-147-1595	388-148-1520(6)
WAC 388-148-0430	May I take a foster child to church services, temple, mosque or synagogue?	388-145-1705	NA	388-148-1520(8)
WAC 388-148-0435	Do I have to admit or retain all children?	388-145-1370	388-147-1395	388-148-1395

CURRENT WAC		PROPOSED WAC		
Chapters 388-145, 388-147, 388-148, and 388-160 WAC		388-145	388-147	388-148
WAC 388-148-0440	What must I consider in assigning work to children in my home or facility?	388-145-1765	NA	388-148-1530(4)
WAC 388-148-0445	What toys and activities must I provide to children?	388-145-1735	NA	388-148-1520 (2)(d) and (9)
WAC 388-148-0455	Do I need permission to travel on an overnight trip or out-of-state with my foster child?	388-145-1760	NA	388-148-1435
WAC 388-148-0460	What requirements do you have for supervising children?	388-145-1750	388-147-1620	388-148-1610
WAC 388-148-0465	What requirements must I follow when disciplining children?	388-145-1815	NA	388-148-1615
WAC 388-148-0470	What types of disciplinary practices are forbidden?	388-145-1815 (7), (8), (9)	NA	388-148-1615(4)
WAC 388-148-0475	Do you require a written statement describing my discipline methods?	388-145-1815(1)	NA	388-148-1615(7)
WAC 388-148-0480	When may a child be restrained?	388-145-1820	NA	388-148-1620
WAC 388-148-0485	What types of physical restraint are not acceptable for children?	388-145-1820(3)	NA	388-148-1620(2)
WAC 388-148-0487	Are there requirements for time-out or quiet rooms?	388-145-1830	NA	388-148-1615 (4)(d)
WAC 388-148-0488	Are time-delay mechanisms allowed on windows and doors of a facility or staffed residential home licensed for six?	388-145-1630	NA	NA
WAC 388-148-0490	What must I do following an incident that involved using physical restraint?	388-145-1825	NA	388-148-1620(3)
WAC 388-148-0505	What services must a foster parent be able to provide?	NA	NA	388-148-1520
WAC 388-148-0510	What educational support must I provide to children under my care?	388-145-1730	NA	388-148-1525
WAC 388-148-0515	What is the minimum age to be a foster parent?	NA	NA	388-148-1365(1)
WAC 388-148-0520	What are the training requirements for foster parents and prospective foster parents?	NA	NA	388-148-1375 388-148-1380
WAC 388-148-0525	How many children may my foster home serve?	NA	NA	388-148-1385
WAC 388-148-0530	May I be employed if I am a foster parent?	NA	NA	388-148-1365(2) 388-148-1370 (1)(d)
WAC 388-148-0535	Do I need to have income separate from foster care payments?	NA	NA	388-148-1365(2)
WAC 388-148-0540	When may I use respite care?	NA	NA	388-148-1600(2)
WAC 388-148-0541	Excluding respite care, who may provide care to a foster child in the foster home when the foster parent is away from the home?	NA	NA	388-148-1605
WAC 388-148-0542	May a foster child be supervised by someone under eighteen in the foster home?	NA	NA	388-148-1605(5)
WAC 388-148-0545	May I place my foster child with another family temporarily?	NA	388-147-1400	388-148-1395(2)
WAC 388-148-0550	May my foster children participate in routine activities without a licensed provider supervising the activity?	NA	NA	388-148-1530
WAC 388-148-0555	Do I need a social summary for children under my care?	388-145-1720	388-147-1600	NA
WAC 388-148-0560	Do I need a treatment plan for children under my care?	388-145-1725	388-147-1605	388-148-1400(1)
WAC 388-148-0565	Do you need to approve the program that I offer for children under my care?	388-145-1335	388-147-1330(7) 388-147-1335	NA
WAC 388-148-0570	What education and vocational instruction must I provide to the children under my care?	388-145-1730	NA	388-148-1525
WAC 388-148-0575	What medical policies and procedures must I have?	388-145-1635	NA	NA
WAC 388-148-0580	What nursing services must I provide?	388-145-2065	NA	NA
WAC 388-148-0585	What social service staff do I need?	388-145-1440	388-147-1455	NA
WAC 388-148-0590	What clerical, accounting and administrative services do I need for my home or facility?	388-145-1465	388-147-1480	NA
WAC 388-148-0595	What support and maintenance staff do I need for my home or facility?	388-145-1465	388-147-1480	NA
WAC 388-148-0600	Do I need professional consultants for my program?	388-145-1460	388-147-1470	NA

CURRENT WAC		PROPOSED WAC		
Chapters 388-145, 388-147, 388-148, and 388-160 WAC		388-145	388-147	388-148
WAC 388-148-0605	Is in-service training required?	388-145-1495	388-147-1505	NA
WAC 388-148-0610	What are the required ratios of social service staff to children under care?	388-145-1480 388-145-1470 388-145-2090 388-145-2140 388-145-2160 388-145-2195	388-147-1495	NA
WAC 388-148-0620	What safety features do I need for hazardous areas?	388-145-1335(3) 388-145-1675(3)	388-147-1555	NA
WAC 388-148-0625	What other requirements must I follow for smoke detectors?	388-145-1675(2)	NA	NA
WAC 388-148-0640	What fire safety procedures do staff of a group care facility and a staffed residential home licensed for six children need to know?	388-145-1665	NA	NA
WAC 388-148-0645	What are the requirements for fire drills and testing smoke detectors?	388-145-1685	388-147-1580	NA
WAC 388-148-0655	Are there different construction and fire safety requirements for facilities that have multiple licenses in the same building?	388-145-1695	388-147-1375	NA
WAC 388-148-0660	Do mealtimes need to be established?	388-145-1790	NA	NA
WAC 388-148-0665	Do you have general menu requirements?	388-145-1395	NA	NA
WAC 388-148-0670	What types of group care programs are licensed to provide care to children?	388-145-1300	NA	NA
WAC 388-148-0680	What basic elements must a group care program include?	388-145-1745	NA	NA
WAC 388-148-0685	Who may a group care program provider serve?	388-145-1360	NA	NA
WAC 388-148-0690	What services must I provide if I have a group care license?	388-145-1300(2)	NA	NA
WAC 388-148-0695	Must I give a child an allowance?	388-145-1770	NA	NA
WAC 388-148-0700	What are the qualifications for an executive director for a group care program or child-placing agency?	388-145-1425	388-147-1445	NA
WAC 388-148-0705	Do I need an on-site program manager or social service staff at each group care facility?	388-145-1430(1)	388-147-1450	NA
WAC 388-148-0710	What are the responsibilities of the on-site program manager or social service staff for a group care facility?	388-145-1430(1) 388-145-1435	388-147-1450(1)	NA
WAC 388-148-0715	What qualifications must the on-site program manager, or social service staff for a group care program or a CPA program manager have?	388-145-1430 (2) - (6) 388-145-1470	388-147-1450 (2) - (6) 388-147-1485	NA
WAC 388-148-0718	What are the responsibilities for child care staff at a group care program?	388-145-1445	NA	NA
WAC 388-148-0720	What are the qualifications for child care staff and case aides?	388-145-1445	388-147-1460	NA
WAC 388-148-0722	What are the qualifications for health care staff for a group care program or a child-placing agency caring for medically fragile children?	388-145-1455	388-147-1465	NA
WAC 388-148-0725	What is the ratio of child care staff to children in group care facilities?	388-145-1480	388-147-1495	NA
WAC 388-148-0730	Are there room requirements for group care facilities?	388-145-1595 388-145-1570(4) 388-145-2145	388-147-1335(2)	NA
WAC 388-148-0740	What are the kitchen requirements?	388-145-1555 (1)(d) 388-145-1600(5) 388-145-1615 (1)(d)	NA	NA
WAC 388-148-0745	Who may provide maternity services?	388-145-1300(2)	388-147-1315(3)	388-148-1505(4)
WAC 388-148-0750	What maternity services must I provide?	388-145-2120	388-147-1315(3)	388-148-1505(4)
WAC 388-148-0755	How are maternity services delivered?	388-145-2125	388-147-1315(3)	388-148-1505(4)
WAC 388-148-0760	Do you need to approve daily activities that I offer to expectant or new mothers?	388-145-2125(1)	388-147-1315(3)	388-148-1505(4)
WAC 388-148-0765	What types of health education must I offer expectant and new mothers?	388-145-2130	388-147-1315(3)	388-148-1505(4)
WAC 388-148-0770	Is a group care program required to provide child care?	388-145-2120 (3)(n), (5)	NA	NA

CURRENT WAC		PROPOSED WAC		
Chapters 388-145, 388-147, 388-148, and 388-160 WAC		388-145	388-147	388-148
WAC 388-148-0775	Do expectant and new mothers need to be under a physician's care?	388-145-2120 (1)(d)	388-147-1315(3)	388-148-1505(4)
WAC 388-148-0780	What are my responsibilities if a specialist is required?	388-145-2120 (1)(f)	388-147-1315(3)	388-148-1505(4)
WAC 388-148-0785	What is the proper ratio of staff to children in home or group care facilities offering maternity services?	388-145-2140	NA	NA
WAC 388-148-0790	Do you have room requirements for facilities offering maternity services?	388-145-2135 388-145-1595 388-145-2145	NA	388-148-1475(2)
WAC 388-148-0795	How is capacity determined for a maternity services facility?	388-145-2135(1)	NA	388-148-1385(5)
WAC 388-148-0800	What is the purpose of day treatment programs?	388-145-1305	NA	NA
WAC 388-148-0805	What staff must my day treatment program have?	388-145-1995	NA	NA
WAC 388-148-0810	What consultants must my day treatment program have?	388-145-1995(1)	NA	NA
WAC 388-148-0815	What is the ratio of counselor and teaching staff to children in a day treatment program?	388-145-1990	NA	NA
WAC 388-148-0820	What type of care is offered for medically fragile children and children with severe developmental disabilities?	388-145-2065	388-147-1315(3)	388-148-1400 388-148-1505(4)
WAC 388-148-0825	Who provides services for medically fragile children and children with severe developmental disabilities?	388-145-2065(2)	388-147-1315	388-148-1400
WAC 388-148-0830	What services must be provided for medically fragile children and children with severe developmental disabilities?	388-145-2065(2)	388-147-1315 388-147-1655	388-148-1400
WAC 388-148-0835	Do I need to have a multidisciplinary care plan for medically fragile children and children with severe developmental disabilities?	388-145-2065(2)	NA	NA
WAC 388-148-0840	What must the multidisciplinary care plan for a medically fragile child or a child with severe developmental disabilities include?	388-145-2065	NA	NA
WAC 388-148-0845	What are the requirements for nurses in programs who care for medically fragile children or children with severe developmental disabilities?	388-145-2065		388-148-1505(4)
WAC 388-148-0850	When do I use a nurse?	388-145-2065(2)		388-148-1505(4)
WAC 388-148-0855	Do I need to provide a therapy room for children with severe developmental disabilities?	388-145-1570(3)	NA	NA
WAC 388-148-0860	Are there room requirements for group care facilities for medically fragile children less than age six?	388-145-1570(4) 388-145-1595	NA	NA
WAC 388-148-0865	What food requirements exist for medically fragile children and children with severe developmental disabilities?	388-145-2075	NA	388-148-1400
WAC 388-148-0870	What additional recordkeeping requirements exist for medically fragile children and children with severe developmental disabilities?	388-145-2070	NA	388-148-1400
WAC 388-148-0875	What types of crisis residential centers may be licensed?	388-145-1890	NA	NA
WAC 388-148-0880	What levels of secure CRCs exist?	388-145-1890	NA	NA
WAC 388-148-0885	What are the requirements for a level-one secure CRC?	388-145-1915 388-145-1920 (removed levels for secure CRCs)	NA	NA
WAC 388-148-0890	What are the requirements for a level-two secure CRC?	388-145-1915 388-145-1920 (removed levels for secure CRCs)	NA	NA
WAC 388-148-0892	What are the requirements for a level three secure CRC?	388-145-1915 388-145-1920 (removed levels for secure CRCs)	NA	NA
WAC 388-148-0895	May a juvenile detention center operate as a separate secure CRC program?	388-145-1925	NA	NA
WAC 388-148-0900	What youth may a CRC serve?	388-145-1900 388-145-1905	NA	NA
WAC 388-148-0905	Can law enforcement officers place youth in secure CRCs?	388-145-1905 (1)(b)	NA	NA
WAC 388-148-0910	What hours do CRCs have to be open?	388-145-1985	NA	NA

CURRENT WAC		PROPOSED WAC		
Chapters 388-145, 388-147, 388-148, and 388-160 WAC		388-145	388-147	388-148
WAC 388-148-0915	What steps must be taken after a youth is admitted into a CRC?	388-145-1930	NA	NA
WAC 388-148-0920	What if a youth seems unlikely to remain in a regular CRC?	388-145-1930(3)	NA	NA
WAC 388-148-0925	What happens when no space exists at a secure CRC?	388-145-1945	NA	NA
WAC 388-148-0930	How is a youth transferred from one type of CRC to another?	388-145-1940(3) 388-145-1950	NA	NA
WAC 388-148-0940	What does a youth's orientation to a CRC need to include?	388-145-1700	NA	NA
WAC 388-148-0945	What intervention services must be provided or arranged for by the CRC?	388-145-1955	NA	NA
WAC 388-148-0950	What behavior management practices are required for a CRC?	388-145-1490 (1)(k) 388-145-1495 388-145-1820	NA	NA
WAC 388-148-0955	What is the purpose of a multidisciplinary team in a CRC?	388-145-1965	NA	NA
WAC 388-148-0960	When may a multidisciplinary team be requested?	388-145-1970	NA	NA
WAC 388-148-0965	How is a multidisciplinary team convened?	388-145-1975	NA	NA
WAC 388-148-0970	May a parent disband the multidisciplinary team?	388-145-1980	NA	NA
WAC 388-148-0975	What qualifications must a crisis residential center executive director have?	388-145-1425	NA	NA
WAC 388-148-0980	Do I need a program manager on-site at each facility?	388-145-1430	NA	NA
WAC 388-148-0985	What qualifications must the on-site program manager for a crisis residential program have?	388-145-1430(3)	NA	NA
WAC 388-148-0990	What additional qualifications must the crisis residential center youth care staff have?	388-145-1450	NA	NA
WAC 388-148-0995	What are the ratio requirements of youth care staff to youth in crisis residential centers?	388-145-1910	NA	NA
WAC 388-148-1000	What training must staff at a crisis residential center have?	388-145-1490 388-145-1495 388-145-1500 388-145-1505	388-147-1500 388-147-1505 388-147-1510 388-147-1515	NA
WAC 388-148-1005	What recordkeeping is required for crisis residential centers?	388-145-1515	NA	NA
WAC 388-148-1010	What additional recordkeeping requirements exist for secure crisis residential centers?	388-145-1960	NA	NA
WAC 388-148-1015	What is the purpose of a staffed residential home?	388-145-1305	NA	NA
WAC 388-148-1025	What must be included in a written program description for a staffed residential home?	388-145-1335	NA	NA
WAC 388-148-1030	What services must a staffed residential home provide?	388-145-1755 388-145-1750 388-145-1570 388-145-1575	NA	NA
WAC 388-148-1035	Who must be on the premises when children are under care at a staffed residential home?	388-145-1480 388-145-2195	NA	NA
WAC 388-148-1040	What are the qualifications for staff at a staffed residential home?	388-145-1420 388-145-1425 388-145-1430 388-145-1445	NA	NA
WAC 388-148-1045	What is the ratio of child care staff to children in staffed residential homes?	388-145-1480 388-145-2195	NA	NA
WAC 388-148-1050	How many children may I serve in my staffed residential home?	388-145-2190	NA	NA
WAC 388-148-1055	Are there room requirements for staffed residential homes?	388-145-1555 388-145-1570 388-145-1595	NA	NA
WAC 388-148-1060	What services may a child-placing agency provide?	NA	388-147-1315 (2) and (3) 388-147-1590 388-147-1655	NA

CURRENT WAC		PROPOSED WAC		
Chapters 388-145, 388-147, 388-148, and 388-160 WAC		388-145	388-147	388-148
WAC 388-148-1066	What written information is needed before a child is accepted for care by a child-placing agency?	NA	388-147-1400	NA
WAC 388-148-1070	What health histories need to be provided to foster or adoptive parents?	NA	388-147-1670(3)	NA
WAC 388-148-1075	When may child-placing agencies from outside the state place children in this state?	NA	Eliminated, already covered in ICPC agreements	NA
WAC 388-148-1076	What are the qualifications for an executive director, a program manager/social service staff, and a consultant for a child-placing agency?	NA	388-147-1445	NA
WAC 388-148-1077	What are the qualifications for a case aide for a child-placing agency program?	NA	388-147-1460	NA
WAC 388-148-1078	What are the qualifications for health care staff hired or contracted by a child-placing agency to provide services to children in care?	NA	388-147-1465	NA
WAC 388-148-1079	What are the qualifications for the foster home licenser for a child-placing agency?	NA	388-147-1475	NA
WAC 388-148-1080	Are child-placing agencies required to have office space?	NA	388-147-1335(2)	NA
WAC 388-148-1085	How may my child-placing agency certify a foster home for licensing by the department?	NA	388-145-1350	NA
WAC 388-148-1090	What children may child-placing agency foster homes accept?	NA	388-145-1385	NA
WAC 388-148-1095	May different child-placing agencies share eligible foster parents for placement?	NA	388-147-1385	NA
WAC 388-148-1100	What do I need to consider in making foster care placements?	NA	388-147-1400	NA
WAC 388-148-1105	May I share information about the child with the foster parents?	NA	388-147-1405	NA
WAC 388-148-1110	How often should the case manager contact the foster child and family?	NA	388-147-1610	NA
WAC 388-148-1115	What are the requirements for providing adoptive services?	NA	388-147-1670	NA
WAC 388-148-1120	What is the process for adoptions?	NA	388-147-1700	NA
WAC 388-148-1125	What requirements exist for specialized adoptive services?	NA	388-147-1705	NA
WAC 388-148-1130	Must my child-placing agency retain the records of adopted children?	NA	388-147-1720	NA
WAC 388-148-1135	What happens to the adopted children's records if my agency closes?	NA	388-147-1720	NA
WAC 388-148-1205	What is a group receiving center?	388-145-1305	NA	NA
WAC 388-148-1210	What age children may a center serve?	388-145-2040	NA	NA
WAC 388-148-1215	What hours must a center be open?	388-145-2050	NA	NA
WAC 388-148-1220	What services are provided or arranged for by a group receiving center?	388-145-2055	NA	NA
WAC 388-148-1225	Is a center required to provide an orientation for a child placed?	388-145-1700	NA	NA
WAC 388-148-1230	Does each child need space for personal items at the center?	388-145-1615(2)	NA	NA
WAC 388-148-1235	What staff training is required?	388-145-1490 388-145-1495	NA	NA
WAC 388-148-1240	What is the ratio of child care staff to children at a center?	388-145-2045	NA	NA
WAC 388-148-1245	What are the requirements for supervision of children at a center?	388-145-2060	NA	NA
WAC 388-148-1250	Who must be on the premises while children are in care at a center?	388-145-2045 (1)(a)	NA	NA
WAC 388-148-1255	What are the requirements for an activity program?	388-145-1575(2)	NA	NA
WAC 388-148-1260	What activities must I provide to children?	388-145-1735	NA	NA
WAC 388-148-1265	What are the requirements for indoor recreation areas?	388-145-1570	NA	NA
WAC 388-148-1270	What are the requirements for an outdoor recreation area?	388-145-1575	NA	NA
WAC 388-148-1275	What are the size requirements for an outdoor recreation area?	388-145-1575(2)	NA	NA

CURRENT WAC		PROPOSED WAC		
Chapters 388-145, 388-147, 388-148, and 388-160 WAC		388-145	388-147	388-148
WAC 388-148-1280	What are the requirements for playground equipment?	388-145-1555(1)	NA	NA
Chapter 388-160 WAC				
WAC 388-160-0005	Authority.	388-145-1300	NA	NA
WAC 388-160-0015	What is the purpose of overnight youth shelters?	388-145-2080 and defined in 388-145-1305	NA	NA
WAC 388-160-0025	What definitions apply to this chapter?	388-145-1305	NA	NA
WAC 388-160-0035	What services must be offered at a shelter?	388-145-2100	NA	NA
WAC 388-160-0045	What must I include in the assessment when a youth first enters a shelter?	388-145-2095	NA	NA
WAC 388-160-0055	How does the department decide how many youth I may serve in my overnight youth shelter?	388-145-1365(2)	NA	NA
WAC 388-160-0065	How old do I have to be to apply for a shelter license?	388-145-1320	NA	NA
WAC 388-160-0075	What qualifications does a person need to care for youth at an overnight youth shelter?	388-145-1330	NA	NA
WAC 388-160-0085	Who must be on the premises when youth are present at an overnight youth shelter?	388-145-1430(1) 388-145-1435 388-145-2090	NA	NA
WAC 388-160-0095	What qualifications must a program supervisor have in order to work in a shelter?	388-145-1430 (now called program manager)	NA	NA
WAC 388-160-0105	What qualifications must a lead counselor have in order to work in a shelter?	388-145-1445 (now called direct care staff)	NA	NA
WAC 388-160-0115	What minimum qualifications must child care staff, lead counselors, interns, and volunteers have in order to work in a shelter?	388-145-1445 (direct care staff) 388-145-1475 (volunteers and interns)	NA	NA
WAC 388-160-0125	What training is required for overnight youth shelter staff, lead counselors, interns and volunteers?	388-145-1490 (pre-service) 388-145-1495 (in-service) 388-145-1500 (first aid/ CPR) 388-145-1505 (HIV/ AIDS)	NA	NA
WAC 388-160-0135	What is the required ratio of staff to youth in a shelter?	388-145-2040	NA	NA
WAC 388-160-0145	How do I apply or reapply for a license?	388-145-1325	NA	NA
WAC 388-160-0155	May I receive more than one type of group care license at the same physical location?	388-145-1380	NA	NA
WAC 388-160-0165	Does the department put limitations or conditions on a person who is licensed?	Eliminated, covered by 388-145-1365	NA	NA
WAC 388-160-0175	Does the department allow exceptions to the licensing requirements?	388-145-1395	NA	NA
WAC 388-160-0185	Does the department issue probationary licenses?	388-145-1415	NA	NA
WAC 388-160-0195	When must the department deny, suspend or revoke a license?	388-145-1390(1)	NA	NA
WAC 388-160-0205	Are there other reasons the department must suspend my overnight youth shelter license?	Eliminated, in consultation with the AGO. We would just cite the statute.	NA	NA
WAC 388-160-0215	When may the department suspend or revoke my overnight youth shelter license?	388-145-1390(2)	NA	NA
WAC 388-160-0225	How does the department notify me if my license is modified, denied, suspended or revoked?	388-145-1390(3)	NA	NA
WAC 388-160-0235	What may I do if I disagree with the department's decision to modify, deny, suspend or revoke my license?	388-145-1405	NA	NA
WAC 388-160-0245	What incidents involving youth must I report?	388-145-1535	NA	NA
WAC 388-160-0255	Are there other reporting requirements?	388-145-1635 288-145-1885(3)	NA	NA
WAC 388-160-0265	Do I need to report runaway youth who stay at the shelter?	388-145-2095	NA	NA

CURRENT WAC		PROPOSED WAC		
Chapters 388-145, 388-147, 388-148, and 388-160 WAC		388-145	388-147	388-148
WAC 388-160-0275	What changes to my overnight youth shelter must I report to my licensor?	388-145-1550	NA	NA
WAC 388-160-0285	What are the department's requirements for keeping client records?	388-145-1520	NA	NA
WAC 388-160-0295	Do I need a citizens' board for my overnight youth shelter?	388-145-2115	NA	NA
WAC 388-160-0305	What personnel policies must I have?	388-145-1420 (1)(d) 388-145-1510 (1)(m)	NA	NA
WAC 388-160-0315	What personnel records must I keep?	388-145-1510	NA	NA
WAC 388-160-0325	Where must I post my license?	388-145-1345	NA	NA
WAC 388-160-0335	What other information must I keep readily available?	388-145-1430(2) 388-145-1515(2)	NA	NA
WAC 388-160-0345	Are local ordinances part of our licensing requirements?	388-145-1355	NA	NA
WAC 388-160-0355	What fire safety requirements must I follow to qualify for a license?	388-148-1665	NA	NA
WAC 388-160-0365	Where may my shelter be located?	388-145-1555(9)	NA	NA
WAC 388-160-0375	May I have firearms in my overnight youth shelter?	388-145-1660	NA	NA
WAC 388-160-0385	What substances are prohibited at overnight youth shelters?	388-145-1655 388-145-1650	NA	NA
WAC 388-160-0395	What are your requirements for storing dangerous items?	388-145-1580	NA	NA
WAC 388-160-0405	Do I need to have first-aid supplies?	388-145-1640	NA	NA
WAC 388-160-0415	What structural safety requirements must my facility meet?	388-145-1555	NA	NA
WAC 388-160-0425	What measures must I take for pest control?	388-145-1555(4)	NA	NA
WAC 388-160-0435	What are your requirements for kitchens?	388-145-1555(3)	NA	NA
WAC 388-160-0445	What are the requirements for bedrooms in shelters?	388-145-2105	NA	NA
WAC 388-160-0455	What are your requirements for bedding?	388-145-2110	NA	NA
WAC 388-160-0465	What telephone requirements must I follow?	388-145-1555(10)	NA	NA
WAC 388-160-0475	What are the lighting requirements for my overnight youth shelter?	388-145-1555(2)	NA	NA
WAC 388-160-0485	What are the requirements about drinking water?	388-145-1585(3)	NA	NA
WAC 388-160-0495	What are your requirements for laundry facilities?	388-145-1615	NA	NA
WAC 388-160-0505	What are the requirements for washing clothes?	388-145-1615 (3)(f)	NA	NA
WAC 388-160-0515	What are the requirements for toilets, sinks, and bathing facilities in shelters?	388-145-1560	NA	NA
WAC 388-160-0525	Do overnight youth shelters require a housekeeping sink?	388-145-1560(3)	NA	NA
WAC 388-160-0535	What are the requirements for sewage and liquid wastes?	388-145-1585 (1) and (2)	NA	NA
WAC 388-160-0545	What health and emergency policies and procedures must I have?	388-145-1635(5)	NA	NA
WAC 388-160-0555	How must I manage medications for youth at my shelter?	388-145-1855	NA	NA
WAC 388-160-0565	What must I do to prevent the spread of infections and communicable diseases?	388-145-1635	NA	NA
WAC 388-160-0575	What nutritional guidelines must I follow?	388-145-1790(1)	NA	NA
WAC 388-160-0585	What are your requirements for protecting a youth under my care from child abuse and neglect?	388-145-1390 (1)(g)	NA	NA
WAC 388-160-0595	What are the requirements about nondiscrimination?	388-145-1710	NA	NA
WAC 388-160-0605	What religious activities are allowed in overnight youth shelters?	388-145-1705	NA	NA
WAC 388-160-0615	How much supervision is required for child care staff and volunteers?	388-145-1460	NA	NA
WAC 388-160-0625	What requirements must I follow when disciplining youth?	388-145-1815	NA	NA
WAC 388-160-0635	What types of disciplinary practices are forbidden?	388-145-1815 (8) and (9)	NA	NA
WAC 388-160-0645	What types of physical restraint are acceptable for youth in overnight youth shelters?	388-145-1820 (1) and (2)	NA	NA

CURRENT WAC		PROPOSED WAC		
Chapters 388-145, 388-147, 388-148, and 388-160 WAC		388-145	388-147	388-148
WAC 388-160-0655	What types of physical restraint are not acceptable in overnight youth shelters?	388-145-1820(3)	NA	NA
WAC 388-160-0665	Do I need to document instances when physical restraint is used?	388-145-1825	NA	NA
NEW PROPOSED WAC CONTENT - NOT IN CURRENT WAC		388-145	388-147	388-148
When will the department grant me a license?		388-145-1315		
What happens when licensing requirements differ from contract requirements?		388-145-1375	388-147-1370	388-148-1335
When may I be certified to provide care to children?		388-145-1385		
What are the requirements for volunteers working directly with children/youth at my facility?		388-145-1475	388-147-1490	
What are the requirements for volunteers working directly with children/youth?			388-147-1490	
What are my reporting requirements in my licensed facility serving runaway or homeless youth?		388-145-1545		
What are the requirements for the use of electronic monitors to monitor children?		388-145-1625		
What requirements must be followed for carbon monoxide detectors?		388-145-1680		
What are additional considerations in service to Native American children?		388-145-1715		
Can children in my care receive services through the extended foster care program?		388-145-1740	388-147-1615	388-148-1535
What is the purpose of the resource and assessment center?		388-145-2150		
What must I demonstrate to be licensed for an RAC?		388-145-2155		
What is the ratio of direct care staff/volunteers to children at an RAC?		388-145-2160		
Who are the residents at my RAC?		388-145-2165		
How long can a child stay at an RAC?		388-145-2170		
When am I required to be available for services?		388-145-2175		
Who may place children at an RAC?		388-145-2180		
What services are provided or arranged for at an RAC?		388-145-2185		
How long is my license valid?			388-147-1355	
Who shall have access to my agency?			388-147-1360	
What must be included in a home study completed by my agency?			388-147-1380	
What is the preservice training requirement for staff and volunteers having direct care responsibility to children/youth?		388-145-1490	388-147-1500	
What is the in-service training requirement for staff and volunteers having responsibility to provide care to children/youth?		388-145-1495		
What is the requirement for staff in-service training?			388-147-1505	
What qualifications must adoption services staff meet?			388-147-1660	
What staff training must I provide?			388-147-1665	
Do I need to provide potential adoptive families with a program description?			388-147-1675	
What information regarding fees must I share with my applicants?			388-147-1680	
What are the requirements regarding contacts with each adoptive placement prior to adoption?			388-147-1685	
What steps must I take prior to entering into a contract with an adoptive applicant?			388-147-1690	
What must I include in an adoption home study?			388-147-1695	
How will the department process a complaint against my agency?			388-147-1710	
Are there additional requirements for international adoptions?			388-147-1715	
What training must I provide prospective adoptive parents?			388-147-1725	
What must I include in a post placement report?			388-147-1730	

Hearing Location(s): Office Building 2, Lookout Room, DSHS Headquarters, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson. A map is available at <http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html>), on October 21, 2014, at 10:00 a.m.

Date of Intended Adoption: Not earlier than October 22, 2014.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, e-mail DSHSRPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., October 21, 2014.

Assistance for Persons with Disabilities: Contact Jeff Kildahl, DSHS rules consultant, by October 7, 2014, TTY

(360) 664-6178 or (360) 664-6092 or by e-mail Kildaja@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: New legislation regarding crisis residential centers, resource and assessment centers, prudent parent legislation, extended foster care and recommendations from the committee on the severe abuse of adopted children, require new rules for licensed foster homes, child-placing agencies, adoption centers and group care facilities. Improvements to the rules include: Plain-talk format to improve content and accessibility, a restructured sequence of specific rules to provide a logical flow to content, and a division of specific license types to improve clarity of rules for each license category. Licensed foster parents, child-placing agencies, adoption centers, and group care facilities may be impacted by these requirements. Group care facilities include semi-secure and secure crisis residential centers, emergency respite centers, group homes, group receiving centers, overnight youth shelters, resource and assessment centers, and staffed residential homes. Services provided by these license types include services to medically fragile and intellectual and developmental disabilities (formerly severe developmental disabilities), pregnant and parenting youth and maternity services, and day treatment services.

Reasons Supporting Proposal: Foster home requirements are currently combined with other types of licensing requirements, such as requirements for child-placing agencies, adoption centers and group care facilities. New chapters are specific to license type, providing foster parents a stand-alone chapter specific to foster home licensing. Single clearly-defined chapters for foster homes, child-placing agencies and adoption centers, and group care facilities will assist stakeholders with accessing requirements specific to their license type.

Statutory Authority for Adoption: Chapters 13.34, 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), Severe Abuse of Adopted Children Committee Report Recommendations (9/2012).

Statute Being Implemented: RCW 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030.

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

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Randy Roberts, OB2, Olympia, Washington, (360) 902-7872; and **Enforcement:** Darcey Hancock, OB2, Olympia, Washington, (360) 902-0288.

Small Business Economic Impact Statement

SUMMARY OF PROPOSED RULES: The department of social and health services' children's administration is proposing changes to chapters 388-145, 388-147, 388-148, and 388-160 WAC, licensing requirement for child foster homes, staffed residential homes, group residential facilities, child-placing agencies, and overnight youth shelters. This rule making repeals all sections in chapters 388-145, 388-147, 388-148, and 388-160 WAC, and creates new sections to replace and update existing requirements.

The purpose of these chapters are to provide foster parents, child-placing agencies and group care facilities with clearly defined chapters and easy to understand rules written in plain-talk language. Constituents who are attempting to locate critical licensing regulations have expressed concern that current WAC is not user-friendly. Chapter divisions are confusing, requiring foster parents and agency staff to search for information throughout the entire document. This change has been requested within the group care community, by foster parents themselves, and by the licensors who assist parents and agencies in interpreting these rules. Division of licensed resources licensing requirements were last amended in 2004.

The proposed changes to these chapters include:

- Three separate chapters to address foster family homes, child-placing agencies and agencies with adoption services, and group care (residential) facilities and the services they provide.
- New legislative statutes including prudent parent, extended foster care, secure and semi-secure crisis residential centers, overnight youth shelters and resource and assessment centers.
- Minimum overnight youth shelter requirements moved from chapter 388-160 WAC to the new sections in chapter 388-145 WAC.
- Updated adoption requirements to meet Hague Convention federal requirements.
- Recommendations based upon critical incidents or fatality or near-fatality workgroup recommendations.
- Elimination of unnecessary rules.

SMALL BUSINESS ECONOMIC IMPACT STATEMENT (SBEIS)—DETERMINATION OF NEED: Chapter 19.85 RCW, the Regulatory Fairness Act, requires that the economic impact of proposed regulations be analyzed in relation to small businesses. The statute defines small businesses as those business entities that employ fifty or fewer people and are independently owned and operated.

These proposed rules impact child-placing agencies, adoption facilities and group care (residential) facilities. These businesses fall under the child group foster homes designation by the North American Industry Classification System (NAICS) codes #623990.

Preparation of an SBEIS is required when a proposed rule has the potential of placing a disproportionate economic impact on small businesses. The statute outlines information that must be included in an SBEIS.

The children's administration (CA) has analyzed the proposed rule changes and has determined that small businesses will be impacted by these changes.

INDUSTRY ANALYSIS: DLR, CA, is responsible for the development and regulatory oversight of all licensing requirements for group residential facilities per chapter 74.15 RCW. As part of their monitoring, DLR keeps a current internal database that identifies all affected small businesses.

Most of the facilities and child-placing agencies with whom CA contracts are considered to be small businesses employing fewer than fifty staff. These proposed rules impact group homes, semi-secure and secure crisis residential centers, group receiving centers, emergency respite centers,

overnight youth shelters, resource and assessment centers, staffed residential homes, child-placing agencies and adoption agencies.

INVOLVEMENT OF SMALL BUSINESSES: DLR has involved child-placing agency licensing staff, tribes and group residential care stakeholders, including recommendations for the Washington Association for Children and Families. Additionally, two stakeholder meetings were conducted to assess fiscal impact of the proposed rules, one in Tumwater on July 9, 2014, and one in Spokane on July 11, 2014. A variety of providers were invited by DLR program staff from these representative local areas. These stakeholders included child-placing agencies (including tribal child-placing agencies), adoption agencies, and group residential providers that serve children in out-of-home care. Most of the attendees were in a management or supervisory role with the private agencies. Rules with potential financial impacts were identified and discussed, with both the existing and proposed rule identified, requesting that the attendees rate the fiscal impact on a Likert scale of little to no fiscal impact (rating 1), to significant fiscal impact (rating 4). Feedback was also solicited that resulted in some language changes to the proposed rules.

COST OF COMPLIANCE: Under chapter 19.85 RCW, CA has considered annual costs to small businesses that are fifty dollars or more per child served annually.

GENERAL COSTS: DLR analysis revealed that there are minimal costs imposed by the proposed amendments. Any items rated at "2" or above (some fiscal impact) are discussed below. It is important to note that these ratings were determined prior to decisions made to change the rules reflective of the small business feedback.

USE OF VOLUNTEERS: Previous rules were silent on requirements and qualifications of volunteers having unsupervised access to vulnerable children in out-of-home care. DLR is clarifying the requirements for volunteers working unsupervised in a child-placing agency or a group care facility with children and youth. Volunteers under the age of twenty-one who are enrolled in a social service internship or practicum program with an accredited college or university may provide direct care for a child only under the direct supervision of a qualified staff person. DLR did not anticipate this to have a significant fiscal impact on group care facilities or child-placing agencies. Volunteers who fall into the specific category can still work in the facility and be counted in the staffing ratio as long as they have direct supervision of a qualified staff person. The stakeholder focus groups revealed that most providers were not impacted by this rule at all. However, two of the providers identified this as moderately or significantly impacting them. Because of this feedback, the proposed rule was changed to allow another designated volunteer to supervise volunteer staff if they met the qualifications of a paid program manager. Because the facility can rely on experienced volunteer staff, it was felt that this significantly reduced the fiscal impact of this rule, and does not compromise the safety of children in out-of-home care.

TRAINING AND DEVELOPMENT: DLR is requiring that all staff working in child-placing agencies and group care facilities have a minimum of sixteen hours of preservice training prior to working with children/youth unsupervised. This is a

new requirement for some types of facilities, but other existing facilities currently require certain training in rule. The proposed rule provides consistency for all types of facilities, ensuring that staff are prepared to meet the needs of children in out-of-home care. New staff and volunteers must work shifts with fully trained staff until the new staff have completed all required preservice training. Previous stakeholder feedback identified concern about these untrained staff not counting in the staffing ratio. DLR amended the rule to reflect that they can be counted in the ratio. Although most agencies require some type of preservice training, there were no minimum training hours, except for group receiving centers and crisis residential centers. In the focus groups, the child-placing agencies rated this requirement as a "2" (some fiscal impact) and group care facility staff identified the impact as 1.72. DLR has agreed to identify online resources to assist the agencies in providing this training, but support the rule as an important component of an effective program to provide safety and support to vulnerable children. The Severe Abuse of Adopted Children Committee made training requirements (both in-service and preservice) a strong recommendation to prevent abuse of children.

DLR is also requiring that all staff have a minimum of twelve annual hours of in-service for staff working in child-placing agencies, fifteen hours for staff in adoption agencies and twenty-four hours training in group care (residential) facilities. Current WAC requires facilities to provide in-service training but does not specify a specific number of hours, with the exception of crisis residential centers who currently require twenty-four hours of ongoing education and in-service training annually. Child-placing agencies rated the impact as 1.57, and 1.56 for group care facilities in the focus groups. Most providers indicated they provide this training currently. DLR again agreed to develop a list of resources for agencies to use to supplement their training. DLR also offers training opportunities to private agency staff.

WATER SAFETY: DLR has recently facilitated a workgroup related to water safety issues in light of drowning incidents of children in care. This workgroup included a drowning prevention expert from Seattle Children's Hospital, and rules were developed in response to workgroup recommendations.

Existing rule requires group care facilities to have a person with current life-saving certification on duty when children are swimming in any swimming pool on-site. The new rule expands this to any body of water. Children under the age of five years must be within close touching distance of a supervising adult at all times. Very few programs are licensed to care for very small children affected by this rule. However, an issue brought forward by a maternity service program was that they are serving infants and their mothers, and it is the teen mothers who would be supervising their small children. Because of this feedback, the rule was changed to reflect that the small child must be within the very close proximity of a supervising adult or their birth parent. DLR does not anticipate this new requirement will have a significant impact on group care facilities.

FIRE SAFETY: The office of the state fire marshal complete[s] fire safety inspections for all group care facilities, except certain staffed residential facilities. Group care pro-

grams must obtain a certificate of compliance from the fire marshal in order to become licensed. Carbon monoxide detectors are now required for new construction and private residential facilities transferring ownership in the state of Washington. The fire marshal is now requiring carbon monoxide detectors in group care. DLR will require all group care facilities to have carbon monoxide alarms installed outside of each separate sleeping area in the immediate vicinity of bedrooms. Some providers reported already having installed these detectors. Other facilities will be required to purchase them, but these facilities will not exceed the expense of fifty dollars per client annually. Group care programs rated the fiscal impact of this item as 2.2 (some fiscal impact). The provider focus group did identify an issue that was an error in the rule writing, requiring carbon monoxide detectors both inside and outside the bedrooms. This was corrected, and rule now allows for a detector either in [inside] or outside the bedroom. This change will then reduce the fiscal impact.

IMMUNIZATIONS FOR STAFF: Staff working in facilities licensed for children younger than age two are being asked in rule to obtain immunizations for pertussis and influenza. This is important in that the state of Washington recently experienced a whooping cough epidemic, and both the department of health and the Centers for Disease Control recommend these immunizations. This has been department policy in foster care for some time, and the requirement is now being applied to group care as well. However, very few facilities are licensed for children under the age of two; most group care facilities serve older children. There is nothing in rule that would require the private agency to pay for these immunizations; however, some agencies do anticipate covering this cost, as they cover the existing cost of tuberculosis tests for staff. This would not affect small businesses disproportionately [disproportionately], as it is a per-staff cost. Businesses can mitigate this cost by requiring their staff to purchase immunizations or obtain them through an existing medical insurance program. Although the focus groups rated this item as the highest fiscal impact (2.64), this rule would be required for very few group residential facilities, and is important for the health of infants and toddlers who have not yet developed immunity, even though they may be immunized against these diseases.

Disproportionate Economic Impact Analysis: Through the work outlined with private providers in the focus groups, in other stakeholder meetings, and in work completed internally, DLR did not assess that these rules would have more than a minor impact on small businesses. DLR has also removed other requirements in this large rule rewrite that would actually create cost savings for some facilities. Some of these eliminated items are requirements for particular first-aid supplies, and requirements for an on-site program manager when children are not present.

Mitigating Costs: These are outlined in individual items in other parts of the document.

BENEFITS FOR PROPOSED RULES: There are significant benefits that will result from the adoption of the proposed amendments. These benefits are related to the health, safety and well-being of children entrusted in the department's care. These include:

- Adequately trained staff who have the skill sets needed to respond to children's needs.
- Ongoing training providing staff with current training materials.
- Rules were written to enhance safety of children, with the anticipated benefit of fewer critical incidents affecting child safety and posing liability for the department.
- Carbon monoxide alarms will provide a warning system for safety of occupants.
- Creation of an additional facility type to serve the needs of children entering care.
- Rules are clearer, better organized and more easily understood. Usability tests reflect that the rules are easier to use, and were very positively received by the foster parent users that were invited to test them.
- Standardized rules as much as possible, across different types of group care facilities, making interpretation easier for providers
- Enacted administrative rules reflective of new or modified statutes.

JOBS CREATED OR LOST: We do not anticipate that jobs will be lost or created as a result of these rules.

CONCLUSION: DLR, CA, has given careful consideration to the impact of proposed rules in chapters 388-145 and 388-147 WAC, licensing requirements for child-placing agencies and adoption facilities, and licensing requirements for group care facilities and services on small businesses. To comply with the Regulatory Fairness Act, chapter 19.85 RCW, DLR has analyzed impacts on small businesses and proposed ways to mitigate costs considered more than minor and disproportionate.

Please contact Randy Roberts at (360) 902-7872 if you have questions.

A copy of the statement may be obtained by contacting Randy Roberts, 1115 Washington Street, Olympia, WA 98504-5710, phone (360) 902-7872, fax (360) 902-7903, e-mail roberrrm@dshs.wa.gov.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Randy Roberts, 1115 Washington Street, Olympia, WA 98504-5710, phone (360) 902-7872, fax (360) 902-7903, e-mail roberrrm@dshs.wa.gov.

August 19, 2014
Katherine I. Vasquez
Rules Coordinator

Chapter 388-145 WAC

~~((EMERGENCY RESPITE CENTERS))~~ LICENSING REQUIREMENTS FOR GROUP CARE FACILITIES AND SERVICES

Purpose and Definitions

NEW SECTION

WAC 388-145-1300 What is the purpose of this chapter? 1) This chapter contains licensing requirements for generalized group care facilities, group homes, crisis residential

centers, emergency respite centers, group receiving centers, overnight youth shelters, staffed residential homes, and resource and assessment centers. These licensing regulations are designed to ensure children in group care facilities are safe, healthy and protected from all forms of child abuse and neglect according to RCW 26.44.020(1) and chapter 388-15 WAC.

2) These separately licensed programs may provide specialized services such as day treatment services, services to pregnant and parenting youth (maternity services), HOPE beds, responsible living skills programs and services to medically fragile children and children with intellectual and developmental disabilities. You must hold a group care license to provide the specialized services outlined in this chapter. These services can be provided through your own program or by using community resources.

NEW SECTION

WAC 388-145-1305 What definitions do I need to know to understand this chapter? The following words and terms are for the purpose of this chapter and are important to understand these requirements:

"Abuse or neglect" means the injury, sexual abuse, sexual exploitation, negligent treatment or maltreatment of a child as defined in RCW 26.44.020.

"Adult" means a person eighteen years old or older, not in the care of the department.

"Agency" is defined in RCW 74.15.020(1).

"Assessment" means the appraisal or evaluation of a child's physical, mental, social and/or emotional condition.

"Business hours" means hours during the day in which state business is commonly conducted. Typically the hours between 9 a.m. and 5 p.m. on weekdays are considered to be standard hours of operation.

"CA" means children's administration.

"Capacity" means the age range, gender and maximum number of children on your current license.

"Care provider" means any person who is licensed or authorized to provide care for children and/or cleared to have unsupervised access to children under the authority of a license.

"Case manager" means a facility employee who coordinates the planning efforts of all the persons working on behalf of a child.

"Chapter" means chapter 388-145 WAC.

"Child", "children" or "youth" for this chapter, means a person who is one of the following:

- (1) Under eighteen years old;
- (2) Up to twenty-one years of age and pursuing a high school or equivalency course of study (GED/HSEC), or vocational program;
- (3) Up to twenty-one years of age and participating in the extended foster care program;
- (4) Up to twenty-one years of age with intellectual and developmental disabilities;
- (5) Up to twenty-one years of age and under the custody of the Washington state juvenile rehabilitation administration.

"Compliance agreement" means a written improvement plan to address the changes needed to meet licensing requirements.

"Crisis residential center (secure)" means a licensed facility open twenty-four hours a day, seven days a week that provides temporary residential placement, assessment and services in a secure facility to prevent youth from leaving the facility without permission per RCW 13.32A.030(15).

"Crisis residential center (semi-secure)" means a licensed facility open twenty-four hours a day, seven days a week that provides temporary residential placement, assessment and services for runaway youth and youth in conflict with their family and/or in need of emergency placement.

"Day treatment" is a specialized service that provides educational and therapeutic group experiences for emotionally disturbed children.

"DCFS" means the division of children and family services within children's administration. DCFS provides case management to children and families involved in the child welfare system.

"DDA" means the developmental disabilities administration. DDA provides services and case management to children and adults who meet the eligibility criteria.

"De-escalation" means strategies used to defuse a volatile situation, to assist a child to regain behavior control, and to avoid a physical restraint or other behavioral intervention.

"Department or DSHS" means the department of social and health services.

"Developmental disability" is a disability as defined in RCW 71A.10.020.

"Direct care staff" means persons who provide daily supervision and direct care to group care children and youth.

"DLR" means the division of licensed resources within children's administration. DLR licenses and monitors foster homes, child placing agencies and licensed group care facilities.

"DOH" means the department of health.

"Electronic monitoring" means video or audio monitoring or recording used to watch or listen to children as a way to monitor their behavior.

"Emergency respite center" means a licensed facility that may be commonly known as a crisis nursery, which provides emergency or crisis care for nondependent children birth through seventeen years for up to seventy-two hours to prevent child abuse and/or neglect per RCW 74.15.020(d). ERCs may choose to be open up to twenty-four hours a day, seven days a week. Facilities may also provide family assessment, family support services and referral to community services.

"FBI" means the Federal Bureau of Investigation.

"Group care" is a general term for a licensed facility that is maintained and operated for a group of children on a twenty-four hour basis to provide a safe and healthy living environment that meets the developmental needs of the children in care per RCW 74.15.020(f).

"Group home" is a specific license for residential care that provides care and supervision for children or youth.

"Group receiving center" means a licensed facility that provides the basic needs of food, shelter, and supervision for children placed by the department, generally for thirty or fewer days.

"Guns or weapons" means any device intended to shoot projectiles under pressure or that can be used to attack. These include but are not limited to BB guns, pellet guns, air rifles, stun guns, antique guns, handguns, rifles, shotguns and archery equipment.

"Health care staff" means anyone providing qualified medical consultation to your staff or medical care to the children and youth in your care.

"Hearing" means the administrative review process conducted by an administrative law judge.

"I, my, you, and your" refers to an applicant for a license issued under this chapter, and to any party holding a license under this chapter.

"Infant" means a child less than twelve months of age.

"Intellectual and developmental disability" means children with deficits in general mental abilities and impairment in everyday adaptive functioning.

"Interim facility" means an Overnight Youth Shelter, Emergency Respite Center or a Resource and Assessment Center.

"License" means a permit issued by us that your facility meets the licensing standards established in this chapter.

"Licensed health care provider" means an MD (medical doctor), DO (doctor of osteopathy), ND (doctor of naturopathy), PA (physician's assistant), or an ARNP (advanced registered nurse practitioner).

"Local fire authority" means your local fire inspection authority having jurisdiction in the area where your facility is located.

"Maternity service" as defined in RCW 74.15.020. These are also referred to as pregnant and parenting youth programs.

"Medically fragile" means the condition of a child who requires the availability of twenty-four hour skilled care from a health care professional or specially trained staff or volunteers in a group care setting. These conditions may be present all the time or frequently occurring. If the technology, support and services being received by the medically fragile children are interrupted or denied, the child may, without immediate health care intervention, experience death.

"Missing child" means any child less than eighteen years of age in licensed care and the child's whereabouts are unknown and/or the child has left care without the permission of the child's caregiver or assigned DSHS worker. This does not include children in dependency guardianship.

"Multidisciplinary teams (MDT)" means groups formed to assist children who are considered at-risk youth or children in need of services, and their parents.

"Non-ambulatory" means not able to walk or exit to safety without the physical assistance of another individual.

"Out-of-home placement" means a child's placement in a home or facility other than the child's parent, guardian, or legal custodian.

"Overnight youth shelter" means a licensed nonprofit agency that provides overnight shelter to homeless or run-away youth in need of emergency sleeping arrangements.

"Probationary license" means a license issued as part of a corrective action to an individual or agency that has previously been issued a full license but is out of compliance with

minimum licensing requirements and has entered into an agreement aimed at correcting deficiencies.

"Property or premises" means a facility's buildings and adjoining grounds that are managed by a person or agency in charge.

"Psychotropic medication" means a type of medicine that is prescribed to affect or alter thought processes, mood, sleep, or behavior. These include anti-psychotic, anti-depressant and anti-anxiety medications.

"Relative" means a person who is related to a child per RCW 74.15.020.

"Resource and assessment center" means an agency that provides short-term emergency and crisis care for a period up to seventy-two hours, (excluding Saturdays, Sundays, and holidays) to children who have been removed from their parent's or guardian's care by child protective services or law enforcement.

"Staffed residential home" means a licensed facility that provides twenty-four hour care to six or fewer children who require more supervision than can be provided in a foster home.

"Treatment plan" means individual plans that identify the service needs of the child, including the child's parent or guardian, and identifies the treatment goals and strategies for achieving those goals.

"Washington state patrol fire protection bureau" or "WSP/FPB" means the state fire marshal.

"Volunteer" means a person who provides direct care services without compensation, for your facility.

"We, our, and us" refers to the department of social and health services, including DLR and DCFS staff.

"Young child" refers to a child age twelve months through eight years old.

Licensing Process

NEW SECTION

WAC 388-145-1310 Am I required to have a license to provide care to children? You must be licensed if you provide care on a twenty-four hour basis to a child who is not related to you. Exceptions to this rule are listed in RCW 74.15.020 or by order of the court under chapter 26.10 RCW or RCW 13.34.065.

NEW SECTION

WAC 388-145-1315 When will the department grant me a license? (1) We issue you a group care license to care for children on a twenty-four hour basis when you, your staff and volunteers, property and premises meet the licensing regulations contained in this chapter, and all required documents are in the licensing file.

(2) Additional requirements specific to your program can be found in WAC 388-145-1890 to 388-145-2200.

NEW SECTION

WAC 388-145-1320 How old do I have to be to apply for a license to provide care to children? You must be at

least twenty-one years old to apply for a license to provide care to children.

NEW SECTION

WAC 388-145-1325 What is required to apply for a group care facility license? (1) You, the person responsible for the license, must submit a completed application which is available from the division of licensed resources, children's administration.

(2) You must submit the following for your executive director, agency staff, consultants, interns, volunteers, and anyone who may have unsupervised access to children per chapter 388-06 WAC:

(a) Completed background authorization form; and
(b) FBI fingerprint check if the individual over eighteen years of age has lived out of state during any portion of the previous three years.

(3) You must ensure that no employee, volunteer or subcontractor has unsupervised access to children until a full and satisfactory background check is completed and returned to you, qualifying the individual for unsupervised access. If your employee requires FBI fingerprints, they are allowed to work while awaiting fingerprint results, under the provisions of WAC 388-06-0500 through 388-06-0540.

NEW SECTION

WAC 388-145-1330 How does the department determine my suitability to become a licensed provider? (1) The department determines your suitability as a licensed provider after receiving your application, background authorization(s) for those listed in WAC 388-145-1325(2), and all required documentation outlined in this chapter.

(2) You, your employees and volunteers must not have had a license or contract denied or revoked from an agency that regulates the care of children or vulnerable adults, unless the department determines that you do not pose a risk to a child's safety, well-being and long-term stability.

(3) You, your employees and volunteers must not have been found to have committed abuse or neglect of a child or vulnerable adult, unless the department determines that you do not pose a risk to a child's safety, well-being, and long-term stability.

(4) You must demonstrate that you, your employees and volunteers have:

(a) The understanding, ability, physical health, emotional stability and personality suited to meet the physical, mental, emotional, cultural, and social needs of the children under your care; and

(b) The ability to furnish children with a nurturing, respectful, and supportive environment.

(5) At any time, we may require you or your employees and volunteers to give us additional information. We may also require an evaluation of your facility or property, or of a staff person working for your facility or agency, by an evaluator we recommend. Any evaluation requested by the department will be at your expense. The evaluator must be given written permission to share information with us prior to and throughout the evaluation process.

(6) Any employee, intern, or volunteer who is found to have misrepresented or provided fraudulent information may be disqualified.

(7) Before granting or renewing a license, your licensor will assess your ability to provide a safe environment for children and to provide the quality of care needed by children placed in your care. Your licensor will also determine that you meet training requirements.

NEW SECTION

WAC 388-145-1335 What additional steps must I complete prior to licensing? (1) You must submit to your licensor a detailed written program description for DLR approval. In the description you must outline:

(a) Your mission and goals;
(b) A description of the services you will provide to children and their families;

(c) Your written policies covering qualifications, duties and on-going training for developing and upgrading staff skills; and

(d) A description of your agency's policies and procedures.

(e) For staffed residential facilities in family homes, you must provide a written plan to the child's DSHS worker for the supervision of children in your care if you work outside of your staffed residential home.

(2) You must have a site inspection by your DLR licensor or someone designated by DLR who can verify that your premises have:

(a) Adequate storage for staff and client files;
(b) A land-line working telephone;
(c) Adequate space for privacy when interviewing parents and children;

(d) Room or area used for administrative purposes;

(e) Adequate space for visitation;

(f) Appropriate furnishings for the children in your facility; and

(g) Your license clearly posted (if inspection is for a renewal license).

(3) All facilities described in this chapter, (except for staffed residential homes for five or fewer children), are required to meet the health requirements to receive a certificate of compliance from the Washington state department of health (DOH) and the fire safety requirements from the Washington state patrol fire protection bureau (WSP/FPB).

(4) You, your employees and volunteers are required to submit a negative tuberculosis test or an X-ray.

(a) We may grant an exception to this requirement, in consultation with a licensed health care provider.

(b) This exception would require a statement from a licensed health care provider (MD, DO, ND, PA or ARNP) indicating that a valid medical reason exists for not having a TB test.

(5) If you are being licensed to care for children under the age of two, you, your employees and volunteers are required to provide documentation verifying you have current pertussis and influenza vaccinations. We recommend (but do not require) these immunizations for you, your

employees and volunteers when you serve children age two and older.

NEW SECTION

WAC 388-145-1340 How long do I have to complete the licensing application process? (1) You must complete your licensing application and submit all DLR required documents within ninety days of submitting the application and background authorization forms to the department.

(2) If you do not meet this ninety-day deadline, your licensor may withdraw your application.

(3) As a courtesy, a renewal notification and renewal materials will be sent one hundred and twenty days prior to your license expiration date. If you do not receive this renewal notice it is your responsibility to contact your licensor.

(4) You must send the renewal application and all required background authorization forms to your licensor at least ninety days prior to the expiration of your current license.

NEW SECTION

WAC 388-145-1345 How long is my license valid? (1) Your license is issued for a three-year period.

(2) Your license is valid only for the person or organization named on the license and only for the specific address listed on the license.

(3) Your license must be posted where the public can easily view it.

NEW SECTION

WAC 388-145-1350 Who shall have access to my facility? The department must have access to your facility, staff, and the children in your care at any time. You must allow us to meet privately with staff or children in your care, at our request. We must also have access to the documents related to your program.

NEW SECTION

WAC 388-145-1355 Am I required to comply with local ordinances? You are responsible for following all local and state regulations such as zoning regulations, community covenants, local building codes and fire codes. The department may require you to provide proof that you are complying with local regulations.

NEW SECTION

WAC 388-145-1360 What children may I serve in my group care program? (1) You may serve children who are at least six years of age and meet one of the following conditions:

(a) Have behaviors that cannot be safely or effectively managed in foster care;

(b) Need temporary placement awaiting a more permanent placement;

(c) Need emergency placement during a temporary disruption of a current placement;

(d) Have emotional, physical, or mental disabilities;

(e) Need a transitional living setting;

(f) Need respite care from a licensed provider; or

(g) Are age sixteen or older and need to acquire independent living skills.

(2) Your program may serve children younger than six years of age if it meets the following criteria:

(a) Provides services to children with intellectual and developmental disabilities;

(b) Provides services to medically fragile children;

(c) Provides services to expectant mothers or parenting youth;

(d) Is licensed as a group receiving center;

(e) Is licensed as an emergency respite center;

(f) Is licensed as a resource and assessment center; or

(g) Is a facility approved and certified under chapter RCW 74.15.020 (2)(m).

NEW SECTION

WAC 388-145-1365 How does the department decide which children will be placed in my care? (1) The department is responsible for the safety and well-being of the children placed in its custody by the parents or the courts, and we will place children according to their best interest.

(2) We evaluate your ability to care for children. We specify the maximum number, age range, and gender of children on your license. We may base this on the skills and number of caretakers, the physical accommodations of your facility, and the children placed in your facility.

(3) Based on the evaluation, we may license you for the care of fewer children than you normally would serve in your category of care.

(4) Except for a staffed residential home for five or fewer children, the certification of occupancy from the Washington state department of health will be considered in deciding the number of children you may serve.

NEW SECTION

WAC 388-145-1370 Do I have to admit or retain all children? (1) You have the right to refuse to admit or retain a child in a program. The exceptions to this requirement are the individual programs that have contracts that specify a child cannot be denied admission.

(2) A joint decision may be made by the provider, the agency placing the child, and us to serve the child elsewhere, for the health and safety of the child or others.

NEW SECTION

WAC 388-145-1375 What happens when licensing requirements differ from contract requirements? You may hold a contract with the state to provide services. If you provide services as a group care facility you must also meet the licensing requirements outlined in this chapter. When contract or other statutory requirements differ from licensing, you must meet the highest standard.

NEW SECTION

WAC 388-145-1380 May a group care facility be issued more than one type of license? (1) A group care facility may not be licensed by DLR for more than one type of license in the same building (A group care facility and a CPA for example), unless the department determines that care of one type of client does not interfere with the care of another type of client, and you have approval from the DLR administrator. We may require separation of resident populations between the programs. You must meet the requirements for both licenses.

(2) If you have multiple licenses from different agencies in the same location, you must obtain approval from DLR prior to providing services and accepting placements.

NEW SECTION

WAC 388-145-1385 When may I be certified to provide care to children? (1) When you meet the licensing requirements, you may apply to us for certification of your facility, rather than a license, if the following conditions apply:

(a) You are exempt from needing a license (per chapter 74.15 RCW), and you wish to serve department-funded children; or

(b) You are licensed by authority of an Indian tribe within the state under RCW 74.15.190.

Rule Violations and Corrective ActionsNEW SECTION

WAC 388-145-1390 Will you license or continue to license me if I violate licensing regulations? (1) We may modify, deny, suspend or revoke your license when you, your employees or volunteers:

(a) Do not meet the licensing regulations in this chapter; or

(b) Have not met the background check requirements; or
(c) Have been determined by us to have abused or neglected a child; or

(d) Are unable to manage your property and financial responsibilities; or

(e) Tried to get a license by deceitful means, such as making false statements or omitting critical information on the application; or

(f) Knowingly allowed employees or volunteers who made false statements or omitted critical information on their applications to work at your agency; or

(g) Cannot provide for the safety, health and well-being of the child(ren) in your care.

(2) We may suspend or revoke your license if you have children in your facility for whom you are not licensed, without approval by your DLR licensor. This includes having more children, or children of different ages or gender than the license allows.

(3) We will send you a certified letter informing you of the decision to modify, deny, suspend or revoke your license. In the letter, we will also tell you what you need to do if you disagree with the decision.

(4) The department has jurisdiction over all licenses issued by DLR and over all holders of and applicants for licenses as provided in RCW 74.15.030(5). Such jurisdiction is retained even if an applicant requests to withdraw the application, or you surrender or fail to renew your license.

NEW SECTION

WAC 388-145-1395 Are there exceptions made if I do not meet the licensing regulations? (1) We may make exceptions and license or continue to license you if you do not meet the minimum licensing regulations. We may allow this if you can demonstrate that you can provide for the safety, health and well-being of children in your care.

(2) In addition, we may limit or restrict your license and/or require you to enter into a compliance agreement to ensure the safety and well-being of the children in your care.

(3) You must keep a copy of the approved exception to the licensing regulations in your files.

(4) You do not have appeal rights if the department denies your request for an exception to the licensing regulations.

NEW SECTION

WAC 388-145-1400 Can employees, volunteers and subcontractors be disqualified from having access to the children in my facility? (1) The department must disqualify employees, volunteers or subcontractors if they do not meet the regulations of chapter 388-145 WAC, or cannot have unsupervised access to children because of their background check as outlined in chapter 388-06 WAC.

(2) We will notify you if a person in your facility is disqualified from having unsupervised access to children. This could also lead to denial, suspension or revocation of your license.

NEW SECTION

WAC 388-145-1405 What can I do if I disagree with your decision to modify, deny, suspend or revoke my license, or to disqualify my background check? (1) You have the right to request an administrative hearing if you disagree with any of these actions. You must request this hearing within twenty-eight calendar days of receiving a certified letter with our decision (see chapter 34.05 RCW). To request a hearing you must send a letter to the office of administrative hearings, P.O. Box 42489, Olympia, Washington 98504-2456, 1-800-583-8271. The letter must have the following:

(a) A specific statement indicating why you disagree with our decision and any laws you believe are related to your claim; and

(b) A copy of the certified letter we sent to modify, revoke, suspend, or deny your license or to disqualify your background check.

NEW SECTION

WAC 388-145-1410 How do I appeal the decision of the office of administrative hearings' administrative law judge? (1) The decision of the administrative law judge is the

final decision of the department unless you or the department files a petition for review with DSHS board of appeals within twenty-one calendar days after the administrative law judge's decision is mailed to the parties.

(2) The procedure for requesting or responding to a petition for review with the board of appeals is described in WAC 388-02-0560 through WAC 388-02-0635.

(3) We will not appeal decisions made by the board of appeals.

(4) If you disagree with the board of appeals, you may file a petition in superior court and ask for further review (RCW 34.05.510 to 34.05.598).

NEW SECTION

WAC 388-145-1415 Can I be issued a probationary license? (1) We may issue a probationary license in order to correct a deficiency.

(2) We will consider the following when deciding whether a probationary license will be issued:

(a) An intentional or negligent violation of licensing regulations;

(b) A history of violation of licensing regulations;

(c) A current violation of licensing regulations;

(d) Whether you are making a good faith effort to comply; and

(e) Any other factors relevant to the specific situation.

(3) A probationary license may be issued for up to six months. At our discretion, we may extend the probationary license for an additional six months. You may not appeal our decision to not issue a probationary license.

Staff Qualifications and Requirements

NEW SECTION

WAC 388-145-1420 Who must I employ at my facility? (1) You must employ sufficient numbers of qualified staff to meet the physical, safety, health, and emotional needs of the children placed in your care, appropriate for their age and developmental level. Employers and caregivers must:

(a) Demonstrate competency, good judgment, and self-control in the presence of children and when performing duties;

(b) Report suspected abuse, neglect, and exploitation to the children's administration intake and to the designated administrator or supervisor;

(c) Know and comply with rules established in this chapter as well as all other applicable laws; and

(d) Comply with federal and state anti-discrimination laws related to personnel policies and procedures.

(2) Staff, volunteers, and others caring for children at your facility must provide children with:

(a) Appropriate adult supervision;

(b) Emotional support;

(c) Personal attention; and

(d) Structured daily routines and living experiences.

NEW SECTION

WAC 388-145-1425 What are the qualifications of an executive director or administrator? (1) You must have an executive director or administrator who is available telephonically during business hours and meets the qualifications to:

(a) Manage the financial and administrative operations of the program;

(b) Ensure that the program complies with the licensing rules contained in this chapter;

(c) Effectively communicate to the department the roles, expectations, and purposes of the program;

(d) Assume responsibility for safety of children in your facility; and

(e) Work with representatives of other agencies.

(2) An executive director or administrator must have:

(a) Appropriate education relevant to the specific program; and

(b) Four years of successful experience with similar duties and responsibilities for the administrative oversight, program and fiscal management of an agency.

NEW SECTION

WAC 388-145-1430 What are the requirements of an on-site program manager? (1) On days your facility is operational, you must have an on-site program manager at your facility during business hours when youth are present. Staffed residential facilities licensed for five or fewer are required to have an on-site program manager during business hours when youth are present if the focus of the program is behavioral and a child's behavior poses a risk. The on-site program manager must meet the qualifications to:

(a) Coordinate the day-to-day operations of the program;

(b) Supervise the case management and direct care staff; and

(c) Have the responsibility to ensure the completion of each child's plan of care and treatment.

(2) When youth are not present and the program manager is not on-site, s/he must be available by telephone.

(3) An on-site program manager must have:

(a) A master's degree in social services or a closely related field from an accredited school and one year of experience working with children or youth; or

(b) A bachelor's degree in social services or a closely related field from an accredited school and two years of experience working with children or youth; or

(c) Five years of successful full-time experience in a relevant field; and

(i) Supervisory abilities that promote effective staff performance; and

(ii) Relevant experience, training and demonstrated skills in each area that s/he will be managing or supervising.

(4) An on-site program manager must not provide clinical oversight to case management staff unless they meet the supervision requirements in WAC 388-145-1440 (3).

(5) A case management staff or person with equivalent training and experience of an on-site program manager may satisfy this requirement.

(6) For overnight youth shelters, the required prior experience must be in working with adolescents.

NEW SECTION

WAC 388-145-1435 What if my on-site program manager must be off-site temporarily when youth are present? The on-site program manager must leave a competent designated staff person in charge who meets the on-site program manager qualifications, if the manager must be temporarily absent.

NEW SECTION

WAC 388-145-1440 What are the requirements of case management staff? (1) Case management staff will provide individualized case management and coordination of services.

(2) Case management staff must have a master's or bachelor's degree in social services or a closely related field from an accredited school.

(3) Case management staff who has only a bachelor's degree must consult with a person with a master's degree in social services or closely related field. One hour of consultation must occur every twenty hours the employee works.

(4) Case managers must maintain:

(a) Training, experience, knowledge, and demonstrated skills in each area s/he will be supervising;

(b) Skills and understanding needed to effectively manage cases; and

(c) The ability to monitor staff development and training.

(5) You may use case management staff provided by another agency if these staff meet the educational qualifications and you have a written agreement with the agency describing the scope of services to be provided.

NEW SECTION

WAC 388-145-1445 What are the qualifications of direct care staff? (1) Each direct care staff must:

(a) Be at least twenty-one years of age, unless they meet the requirements in subsection (2) of this section;

(b) Have a high school diploma or high school or equivalency course of study (GED/HSEC);

(c) Have one year of experience working directly with children. Two years of social services education may be substituted for the required experience;

(d) Have the skills and ability to work successfully with the special needs of children in care; and

(e) Have effective communication and problem-solving skills.

(2) Direct care staff may be between eighteen and twenty-one years of age if enrolled in an internship or practicum program with an accredited college or university and can provide sufficient documentation.

(3) Direct care staff under twenty-one years of age must be supervised by staff at least twenty-one years of age.

(4) You must maintain sufficient direct care staff who meet the education and training requirements defined in this chapter.

(5) Case aides must meet the requirements for direct care staff.

NEW SECTION

WAC 388-145-1450 What additional qualifications must the crisis residential center direct care staff have?

(1) At least 50 percent of the direct care staff at a CRC must have completed:

(a) A bachelor's degree; or

(b) At least two years of college and one year of work in a group residential program for adolescents; and

(c) Direct care staff at a CRC may substitute experience for education on a year-for-year basis.

(2) The remaining direct care staff at a CRC must have a minimum of a high school diploma or high school equivalency course of study (GED/HSEC) and one of the following:

(a) One year of successful experience working with youth in a group setting; or

(b) One year of successful experience as a foster parent; and

(c) Two years of college may be substituted for the required experience.

(3) The primary duties of the direct care staff at a crisis residential center are the care, supervision, and behavioral management of youth.

NEW SECTION

WAC 388-145-1455 If I have health care staff, what qualifications are required? (1) If your program requires health care staff, they must:

(a) Meet the full professional competency requirements in their respective field; and

(b) Maintain their certification or licensure as required.

(2) Applicants with current and active medical licenses or certificates (nurses, physicians and EMS personnel) may submit their licenses or certificates to satisfy the first aid requirement.

NEW SECTION

WAC 388-145-1460 Do I need to employ consultants at my facility? (1) You must have case management consultants available as needed to work with your staff, the children you serve, and the children's families. Other consultants may be used for program support.

(2) A case management consultant is responsible to:

(a) Review treatment, case plans, or adoption home studies as appropriate;

(b) Provide one hour of consultation/supervision to case management staff for every twenty hours a person works. Staff consultations shall be documented and available to staff on an as-needed basis; and

(c) Monitor staff's skill development in order to effectively manage their cases.

(3) Each case management consultant must have:

(a) A master's degree in social services or a closely related field from an accredited school;

(b) The training, experience, knowledge and demonstrated skills for each area in which s/he will be supervising or advising;

(c) The ability to ensure staff develop their skills, are adequately trained and have the understanding needed to effectively manage cases; and

(d) Knowledge of mandatory child abuse and neglect reporting requirements.

(4) Consultants may be hired as staff or operate under a contract and must meet the full professional competency requirements and academic training in their respective fields.

(5) If you have consultants working in emergency respite centers, they must also have training and experience in early childhood education.

NEW SECTION

WAC 388-145-1465 What additional supports do I need for my group care facility? (1) You must have sufficient clerical, accounting and administrative services to maintain proper records and carry out your program.

(2) You must have sufficient support and maintenance services to maintain and repair your facility, and to prepare and serve meals.

NEW SECTION

WAC 388-145-1470 Can one staff person have different responsibilities? (1) The same person may have multiple staff roles and responsibilities as long as they meet the staff qualifications for each position and you maintain the required staffing ratios.

(2) The executive director/administrator may:

(a) Serve as the program manager when qualified for both positions; and

(b) Serve as direct care staff when the role does not interfere with the director's management and supervisory responsibilities.

NEW SECTION

WAC 388-145-1475 What are the requirements for volunteers working directly with children/youth at my facility? (1) These volunteers must meet the licensing requirements listed in this chapter, including meeting the qualifications for direct care staff and must:

(a) Be at least twenty-one years of age unless they are between eighteen and twenty-one years of age in an internship or practicum program as per WAC 388-145-1445;

(b) Be supervised at all times by at least one paid staff member or designated volunteer meeting the qualifications of a program manager, working on-site. (This designated volunteer meeting program manager qualifications may provide direct care unsupervised.); and

(c) Receive the facility's pre-service training that addresses the needs of the population of children in care.

NEW SECTION

WAC 388-145-1480 What are the general ratios of staff to children under care? (1) You must have at least one case manager providing case management services for every twenty-five children in care.

(2) If you provide care as a group receiving center, emergency respite center, or a resource and assessment center, you must have at least one case manager for every fifteen children in care.

(3) If you provide care as a secure, semi-secure and regular crisis residential center, you must have one case manager at a minimum, and must maintain a ratio of one case manager for every 6 children in care.

(4) Staffing ratios specific to your program are outlined in WAC 388-145-1890 through 388-145-2200.

(5) If you have both a license and a contract for services, you must adhere to the most stringent staffing ratios.

(6) To keep the proper ratio of staff to children, the executive director, health care staff, on-site program manager, support staff and maintenance staff may serve temporarily as direct care staff if they meet all other direct care staff qualifications and training.

(7) You must have relief staff so that all staff can have the equivalent of two days off a week. This is not required for family members if you have a staffed residential facility in a family residence.

(8) Children must be supervised during sleeping hours by at least one awake staff when:

(a) There are more than six children in care; and

(b) The major focus of the program is behavioral rather than the development of independent living skills such as a teen parent program or responsible living skills program; or

(c) The behavior of at least one of the youth poses a risk to self or others.

(9) Staffing ratios may be higher than the minimum listed if necessary for the health and safety of children and/or staff, or per contract requirement.

(10) You must have one back-up or on-call person available at all times to report to the facility as soon as possible but no later than thirty minutes.

NEW SECTION

WAC 388-145-1485 May I have more than one licensed program at my facility? If you have more than one program in a building you must submit a plan to your licensor detailing how you plan to manage each of the programs.

Training and Professional Development

NEW SECTION

WAC 388-145-1490 What is the pre-service training requirement for staff and volunteers having direct care responsibility to children/youth? (1) Prior to having unsupervised contact with children, staff and volunteers must have a minimum of sixteen hours of pre-service training, including policies and procedures, job responsibilities and facility administration. This requirement is in addition to required first aid and cardiopulmonary training (CPR) in WAC 388-145-1500 and required HIV/AIDS/blood borne pathogen training in WAC 388-145-1505. Pre-service training should include the following:

(a) Child abuse and neglect identification and reporting requirements;

(b) Incident reporting;

- (c) Accessing community resources;
 - (d) Client confidentiality;
 - (e) Family dynamics and family intervention techniques;
 - (f) Licensing regulations specific to your facility;
 - (g) Child development;
 - (h) Grief and loss;
 - (i) Cultural needs of children in care;
 - (j) Sexually exploited youth;
 - (k) Behavior management and crisis intervention techniques;
 - (l) Conflict resolution or problem solving skills;
 - (m) Substance abuse;
 - (n) Sexually aggressive and physically aggressive/assaultive training;
 - (o) Effects of trauma on children;
 - (p) Youth supervision requirements; and
 - (q) Fire safety and emergency planning.
- (2) New staff and volunteers must work shifts with fully trained staff until the new staff and volunteers have completed all required training.

NEW SECTION

WAC 388-145-1495 What is the in-service training requirement for staff and volunteers having responsibility to provide care to children/youth? (1) If you have employees in your agency, you must offer in-service training programs for developing and upgrading staff skills. If you have five or more employees or volunteers, your training plan must be in writing.

(2) Staff must complete a minimum of twenty-four hours of on-going education and in-service training annually. Training must include:

- (a) Crisis intervention techniques, including verbal de-escalation, positive behavior support, and physical response/restraint training as approved by the department;
- (b) Behavior management techniques;
- (c) Substance abuse;
- (d) Suicide prevention, assessment and intervention;
- (e) Family intervention techniques;
- (f) Indian child welfare and working with Native American children
- (g) Cultural diversity;
- (h) Mental health issues and interventions;
- (i) Mediation skills;
- (j) Conflict management/problem-solving skills;
- (k) Child abuse and neglect;
- (l) Characteristics and management of sexually aggressive or otherwise predatory behavior and physically assaultive behavior;
- (m) Emergency procedures;
- (n) HIV/AIDS/Blood Borne Pathogens; and
- (o) Fire safety and emergency planning.

(3) You must discuss with your staff updated policies and procedures as well as the rules contained in this chapter.

(4) Your training on behavioral management must be approved by DLR and must include nonphysical, age-appropriate methods of redirecting and controlling behavior.

(5) You must document all training including a description of the training provided and the date of the training. This

information must be kept in each employee's file or in a separate training file.

NEW SECTION

WAC 388-145-1500 What first aid and cardiopulmonary resuscitation (CPR) training is required? (1) You or any of your staff who provide supervision or direct care to children, must have basic standard first aid and age-appropriate cardiopulmonary resuscitation (CPR) training.

(a) The CPR training is not required for staff/volunteers with a statement from their physician that the training is not advised for medical reasons as long as another on-site staff person meets this training requirement.

(b) Training must be department-approved and be accredited according to nationally recognized standards.

NEW SECTION

WAC 388-145-1505 What HIV/AIDS and blood borne pathogens training is required? (1) You or any of your staff who provide supervision or direct care to children, must have training on HIV/AIDS, and blood borne pathogens, including infection control standards.

(2) You must use infection control requirements and educational material consistent with the current approved curriculum published by the department of health, office on HIV/AIDS.

(3) Staff providing direct care to children must use universal precautions when coming in contact with the bodily fluids of a child.

Managing Records and Reporting

NEW SECTION

WAC 388-145-1510 What personnel records must I keep at my facility? (1) You must keep personnel records on file for each staff person who is employed or volunteers at your facility. You must keep the following:

- (a) An employment or volunteer application, including work and education history;
- (b) Education documentation;
- (c) Job description of the position at your facility;
- (d) Signed confidentiality statement;
- (e) Signed mandated reporter statement;
- (f) A record of participation in the program's orientation and/or pre-service training and in-service training;
- (g) Behavior management training documentation;
- (h) First aid/CPR/HIV/AIDS/blood borne pathogens training documentation;
- (i) A copy of a food handlers permit, if applicable;
- (j) A copy of a valid driver's license for staff transporting clients or employees;
- (k) A copy of a government issued photo ID;
- (l) A copy of current auto insurance (if using private vehicle to transport);
- (m) A log with background check information, containing dates of request and completion of the checks on all staff, interns, volunteers, and service contractors;

(n) A record of a negative Mantoux, tuberculin skin tests results, X-ray, or a medical exemption to the skin test or X-ray; and

(o) A record of required staff immunizations.

(2) You must maintain a written record of case consultation by a master's level consultant as defined in WAC 388-145-1460 for case managers with a bachelor's degree.

NEW SECTION

WAC 388-145-1515 What are the requirements for information kept in facility shift logs for group care facilities? (1) You must document the following information during each shift:

(a) Any serious child health or safety issues;

(b) Any dates and illnesses or accidents while in care;

(c) Any medications and treatments given with the child's name; and

(d) Names of staff or volunteers with direct care responsibility during the shift.

(2) You must also have telephone numbers of the after-hours supervisor, on-call and relief staff clearly identified and available for staff personnel during each shift.

(3) In addition, you must keep the following information current at all times:

(a) Incident logs, including a copy of any suspected child abuse and/or neglect referrals made to children's administration and all incident reports;

(b) Any identified child-specific supervision needs;

(c) Daily or shift logs;

(d) Written documentation or staff briefings between shifts regarding the whereabouts of any child or youth currently off-site; and

(e) Verification of weekly inspections of any security and/or safety devices, such as door and window alarms.

NEW SECTION

WAC 388-145-1520 What are the requirements for children's records? (1) Any identifying and personal information about a child and the child's family must be kept confidential as required by chapter 26.33 RCW. These records must be kept in a secure place inaccessible to clients, unauthorized staff and the public.

(2) During a child's placement, the child's record must be kept secure at the site and contain, at a minimum, the following:

(a) The child's name, birth date, and legal status;

(b) Name and telephone number of the child's DSHS worker and/or case manager for each child in care, if appropriate;

(c) Written consent, if any, for providing medical care and emergency surgery (unless that care is authorized by a court order);

(d) Names, addresses, and telephone numbers of persons authorized to take the child in care out of the facility;

(e) Copies of the current legal authority to place;

(f) Current case plans;

(g) Social summary;

(h) Documentation of a child's treatment provided by your staff with the signature of the person making the entry to the progress notes;

(i) Information related to suspected child abuse and/or neglect referrals made to children's administration, including the concern, date and person taking the report;

(j) Intake procedures completed including an assessment of the youth's likelihood to stay in your facility;

(k) Date and time of Orientation;

(l) A log and written report that identifies all incidents requiring physical restraints for a child;

(m) Any incident reports involving youth; and

(n) A copy of any discharge summaries and family assessments in the child's case record.

(3) In addition, your records must contain the following information if available:

(a) Names, address and telephone numbers of parents or persons to be contacted in case of emergency;

(b) Information on specific cultural needs of the child;

(c) Medical history including any medical problems, name of doctor, type of medical coverage and provider, date of any illnesses or accidents while at the facility;

(d) Mental health history and any current mental health, chemical dependency, and behavioral issues, including medical and psychological reports when available;

(e) Other pertinent information related to the child's health, including basic medical information, such as current prescription medications, immunizations, allergies, dental records and/or eye exams;

(f) Child's school records, report cards, school pictures, and Individual Education Plans (IEP);

(g) Special instructions including supervision requirements and suggestions for managing problem behavior;

(h) Inventory of the child's personal belongings at the time of placement;

(i) Approved list of individuals the child may have contact with;

(j) The child's visitation plan; and

(k) For pregnant and parenting youth, information on the mother/father of the youth's child, if available.

(4) If a child's placement extends beyond seventy-two hours, you must obtain the child's immunization records. If the child is not current with immunizations, they must be updated as soon as medically possible. Immunization records are not required to be current for children placed in:

(a) Interim facilities;

(b) Group receiving centers; or

(c) Crisis residential centers.

(5) If you are unable to obtain this information from the department you must document your attempt to obtain the requested information in the child's file.

NEW SECTION

WAC 388-145-1525 How long should my facility keep the child records? (1) If you have client files with information not returned to the department, you must keep them for six years following the termination or expiration of any license or contract you have with the department.

(2) If your facility closes then you must return all client file information to the department for each child(ren) who are/were in the custody of the department and whose records were not previously destroyed according to subsection (1) above.

(3) You must inform DLR and your regional licensor about the closure of your facility and where the files will be kept.

NEW SECTION

WAC 388-145-1530 What information can be shared about a child or a child's family? (1) Information about a child or the child's family is confidential and must only be shared with people directly involved in the case plan for a child.

(2) You may discuss information about the child, the child's family and the case plan only with:

(a) A representative of the department, including staff from DCFS, DLR and DDA;

(b) A representative of the department of health and the office of the state fire marshal;

(c) A group residential program staff;

(d) The child's attorney;

(e) The child's assigned guardian ad litem or court-appointed special advocate; and/or

(f) Others designated by the child's DSHS worker.

(3) You may check with your child's DSHS worker for guidance about sharing information with the child's teacher, counselor, doctor, respite care provider, any other professional, or others involved in the case plan.

NEW SECTION

WAC 388-145-1535 What incidents involving children must I report? (1) You must report the following incidents immediately and in no instance later than forty-eight hours to your local children's administration intake staff and the child's DSHS worker:

(a) Death, serious illness or injury, or psychiatric care that requires medical treatment or hospitalization of a child in care;

(b) Any time you suspect physical or sexual abuse, neglect, or exploitation of a child as required under chapter 26.44 RCW;

(c) Sexual contact between two or more children that is not considered typical play between preschool age children;

(d) Any disclosure of sexual or physical abuse by a child in care;

(e) Any child's suicide attempt that results in injury requiring medical treatment or hospitalization;

(f) Any use of physical restraint that is alleged to have been improperly applied or excessive;

(g) Physical assault between two or more children that result in injury requiring off-site medical attention or hospitalization;

(h) Physical assault of an employee, volunteer or others by children in care that results in injury requiring off-site medical attention or hospitalization;

(i) Any medication that is given or consumed incorrectly and requires off-site medical attention; or

(j) Property damage that is a safety hazard and is not immediately corrected or may affect the health and safety of children.

(2) You must report the following incidents related to a child in care as soon as possible or in no instance later than forty-eight hours, to the child's DSHS worker:

(a) Suicidal/homicidal thoughts, gestures, or attempts that do not require professional medical treatment;

(b) Unexpected health problems outside the usual range of reactions caused by medications, that do not require professional medical attention;

(c) Any incident of medication incorrectly administered or consumed;

(d) Physical assault between two or more children that results in injury but did not require professional medical treatment;

(e) Physical assault of a foster parent, employee, volunteer or others by children that results in injury but did not require professional medical treatment;

(f) Drug and/or alcohol use by a child in your care;

(g) Any inappropriate sexual behavior by or toward a child; or

(h) Use of prohibited physical restraints for behavior management.

(3) You must maintain a written record of these notifications with the date, time and staff person making the report.

(4) Programs providing care to medically fragile children who have nursing care staff on duty may document the incidents described in subsection (2)(b) and (c) in this section in the facility daily logs, rather than contacting the DSHS worker or case manager, if agreed to in the child's case plan.

NEW SECTION

WAC 388-145-1540 What are my reporting responsibilities when a child is missing from care? (1) As soon as you or your staff have reason to believe a child in your care is missing as defined in WAC 388-145-1305 or has refused to return to or remain in your care, or whose whereabouts are otherwise unknown, you are required to notify the following:

(a) The child's assigned DSHS worker, as appropriate;

(b) CA intake, if the DSHS worker is not available or it is after normal business hours.

(2) You are required to contact local law enforcement within six hours if the child is missing. However, if one or more of the following factors present, you must contact law enforcement immediately:

(a) The child is believed to have been taken from placement. This means the child's whereabouts are unknown, and it is believed that the child has been concealed, detained or removed by another person;

(b) The child is believed to have been lured from placement or has left placement under circumstances that indicate the child may be at risk of physical or sexual assault or exploitation;

(c) The child is age thirteen or younger;

(d) The child has one or more physical or mental health conditions that if not treated daily will place the child at severe risk;

(e) The child is pregnant or parenting and the infant/child is believed to be with him or her;

(f) The child has severe emotional problems (e.g., suicidal thoughts) that if not treated will place the child at severe risk;

(g) The child has an intellectual and developmental disability that impairs the child's ability to care for him/herself;

(h) The child has a serious alcohol and/or substance abuse problem; or

(i) The child is at risk due to circumstances unique to that child.

(3) After contacting local law enforcement, you must also contact the Washington state patrol's (WSP) missing children clearinghouse to report that the child is missing from care. The telephone number for the clearinghouse is 1-800-543-5678.

(4) If the child leaves school or has an unauthorized absence from school, you should consult with the child's DSHS worker to assess the situation and determine when you should call law enforcement. If any of the factors listed in subsections (2)(a) through (i) of this section are present, you and the child's DSHS worker may decide it is appropriate to delay notification to law enforcement for up to four hours after the end of the school day to give the child the opportunity to return on their own.

(5) You must provide the following information to law enforcement and to the child's DSHS worker when making a missing child report, if available:

(a) When the child left;

(b) Last known location of the child;

(c) What the child was wearing;

(d) Any known behaviors or interactions that may have caused the child's departure;

(e) Possible places where the child may go;

(f) Special physical or mental health conditions or medications that affect the child's safety;

(g) Known companions who may be aware or involved in the child's absence;

(h) Other professionals, relatives, significant adults or peers who may know where the child would go; and

(i) Recent photo of the child.

(6) You must ask law enforcement for the missing person report number and provide it to the CA DSHS worker or staff.

(7) At any time after making an initial report you learn of a missing child's whereabouts, you must report that information to the child's DSHS worker.

(8) If a child is returned to your care, it is your responsibility to cancel the run report and notify all persons you have informed of the child's run.

(9) Youth participating in the extended foster care (EFC) program are exempt from these requirements. You must follow all other reporting requirements as defined in WAC 388-145-1535.

NEW SECTION

WAC 388-145-1545 What are my reporting requirements in my licensed facility serving runaway or homeless youth? (1) If you are licensed as an overnight youth shelter

or are otherwise licensed to provide residential services for runaway or homeless youth, and you learn that a youth staying in your facility does not have parental permission to be there, you or your staff must:

(a) Within seventy-two hours (preferably twenty-four hours), notify the parent by telephone or other reasonable means unless compelling reasons exist. You must provide the youth's whereabouts, give a description of the youth's physical and emotional condition, and report the circumstances surrounding the youth's contact with your facility. You must document this notification in the youth's file.

(b) If compelling reasons exist, you must notify children's administration intake. This includes reason to believe notifying the youth's parents will result in abuse or neglect of the youth as defined in RCW 26.44.020.

(c) You or your staff must also review the public information on missing youth made available by the Washington state patrol at least once every eight hours while a youth is present at your facility. If a youth is listed as missing, you must immediately notify children's administration intake with the information listed in (1)(a) above.

NEW SECTION

WAC 388-145-1550 What changes must I report to my licensor? (1) You must immediately report to your licensor changes in the original licensing application. You must report:

(a) Changes in your location, including address or phone number;

(b) Changes in your program description or population served, including the maximum number, age ranges, and sex of children you wish to serve;

(c) Changes in the structure of your facility or premises from events causing damage, such as a fire, or from remodeling;

(d) Additional staff, employees, interns, contractors or volunteers, who might have unsupervised contact with the children in care;

(e) Significant changes in the physical condition of you or your staff affecting the ability to provide care in your facility;

(f) Staff arrests or convictions of which you are aware that occur between the date of your license and the expiration date of your license;

(g) Any staff changes including the executive director, program manager, or master's level consultants;

(h) Death, retirement, or incapacity of the person who holds the license;

(i) Changes in the name of your licensed corporation, or the name by which your facility is commonly known and/or your articles of incorporation and bylaws.

Environment, Space and Equipment

NEW SECTION

WAC 388-145-1555 What does the department require for my buildings and property? (1) You must maintain your buildings, premises, and equipment in a clean and sanitary condition, free of hazards, and in good repair.

You must furnish your facility appropriately, based on the age and activities of the children in your care. You must:

- (a) Provide handrails for steps, stairways, and ramps if required by the department;
- (b) Have emergency lighting devices available and in operational condition;
- (c) Provide appropriate furnishings, based on the age and activities of the children in your care;
- (d) Have washable, water-resistant floors in bathrooms, kitchens, and other rooms exposed to moisture. Washable short-pile carpeting may be approved in kitchen areas if kept clean and sanitary;
- (e) Provide tamper-proof or tamper-resistant electrical outlets or blank covers installed in areas accessible to children under the age of six or other persons with limited capacity or who might be endangered by access to them; and
- (f) Have easy access to rooms occupied by children in case an emergency arises.

(2) You must have adequate indoor and outdoor space, ventilation, toilet and bathing facilities, light and heat to ensure the health and comfort of all members of the household.

(3) The cleanliness and care of your premises must meet generally accepted health standards for the storage and preparation of food.

(4) You must make reasonable attempts to keep the premises free from pests, such as rodents, flies, cockroaches, fleas, and other insects using the least toxic methods.

(5) People must be able to easily open doors from the inside and outside in all areas of the facility that are occupied. This includes closets, bathrooms, and bedrooms. You must also have easy access to the outside in case of an emergency.

(6) Facilities must have non-breakable light fixture covers or shatter-resistant light bulbs or tubes in food preparation and dining areas. DLR will review your facility to determine other areas that may be a concern for the safety of children.

(7) You must have an immediate plan to address hazardous conditions on your property or in your facility. The department may remove children from your care if hazardous conditions are not immediately remedied.

(8) Your facility must be accessible to emergency vehicles and your address must be clearly visible on your facility or mailbox so that first responders can easily find your location.

(9) Your facility must be located on a well-drained site, free from hazardous conditions. You must discuss with your

licensor any potential hazardous conditions, considering the children's ages, behaviors and abilities.

(10) You must have a working landline telephone at all times. Individuals calling your facility must be able to leave a message at all times.

(11) You must post emergency numbers and the physical address of the facility in an easily visible location near the telephone. This must include the Washington state poison control number (1-800-222-1222).

(12) Utility rooms with mop sinks that do not have windows opening to the outside must be ventilated with a mechanical exhaust fan to the outside of the building.

(13) The use of window blinds or other window coverings with pull cords capable of forming a loop and posing a risk of strangulation to children are prohibited per RCW 43.215.360.

(14) Infants/toddlers are not allowed to use wheeled baby walkers.

NEW SECTION

WAC 388-145-1560 What toilet and bathing facilities are required? (1) You must meet the following requirements for toilets, sinks, and bathing facilities:

(a) Provide toilet, urinals, and hand-washing sinks appropriate to the height for the children served, or have a safe and easily cleaned step stool or platform that is water-resistant;

(b) Provide soap and clean towels, disposable towels or other approved hand-drying devices to the children in your care;

(c) Provide adequate grab-bars, convenient for children;

(d) Provide appropriate toilet training equipment for children. You must regularly maintain this equipment and keep it in sanitary condition. You must place toilet-training equipment on washable, water-resistant surfaces and disinfect toilet training equipment after each child's use.

(2) If you care for children under the age of six, or children with intellectual and developmental disabilities, you must monitor the use of bathtub, shower, or other bathing facilities while in use.

(3) If you operate a group care facility for six or more children you must have a housekeeping sink or department of health approved method of drawing clean mop water and disposing of the wastewater.

NEW SECTION

WAC 388-145-1565 What is the ratio of persons normally on the premises to bathrooms at my facility? (1) You must maintain the following ratio of toilets, hand-washing sinks, and bathing facilities:

FACILITY	TOILETS (flush-type)	HAND-WASHING (hot and cold running water)	BATHING FACILITIES (hot and cold running water)
Group residential programs licensed for 5 or fewer	1 minimum	1 minimum	1 minimum
Group residential for 6 or more	2 minimum 1:8 ratio	2 minimum 1:8 ratio	1 minimum 1:8 ratio

(2) In programs providing care to expectant mothers, all sleeping areas must have at least one toilet and hand washing sink on the same floor.

(3) Children eighteen months of age or younger and other children who do not use a toilet need not be included when determining the number of required flush-type toilets.

(4) All sleeping areas must have at least one toilet and hand-washing sink on the same floor.

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 388-145-1570 What are the requirements for indoor recreation areas? (1) You must provide indoor recreational areas appropriate to children's age and developmental levels.

(2) If you provide group care to more than 12 children you must have at least one separate indoor recreation area with a size and location that is suitable for recreational and informal educational activities. Depending on the number and age range of children served, you must provide:

(a) Adequate area for child play; and

(b) Sufficient space to house a developmentally appropriate program.

(3) If you care for children with intellectual and developmental disabilities you must provide them with a room for physical and occupational therapy, if a physician prescribes these services. The room must be adequate for storing equipment used during therapy sessions. If you do not have a room for physical and occupational therapy, you must arrange for these therapies outside of your facilities.

(4) If you operate a group care program that serves medically fragile children younger than age six, you must follow these additional room requirements:

(a) If you care for infants, and are licensed to care for more than twelve children you must provide separate safe play areas for children less than one year or children not walking. The department must approve the rooms or areas;

(b) Children less than one year must be cared for in rooms or areas separate from older children;

(c) No more than eight children younger than one year of age may be in the room at a time; and

(d) Hand-washing facilities must be available nearby.

NEW SECTION

WAC 388-145-1575 What are the requirements for outdoor recreation areas? (1) If you care for children under the age of twelve you must provide a safe and securely-fenced or department-approved, enclosed outdoor recreation area appropriate to a child's age and developmental level. The recreation area must:

(a) Prevent the child's access to roadways and other dangers;

(b) Protect the play area from unauthorized exit or entry. Any fence or enclosure must be designed to discourage climbing; and

(c) Directly adjoin the indoor premises or be reachable by a safe route.

(2) If you are a group receiving center or an emergency respite center you must have an outside recreation area that is suitable for the number of children you are serving. If not all of the children are using the outdoor recreation area at the same time, you may reduce the size to the number of children normally using the area at one time.

(3) If you are licensed as a secure CRC, you must maintain a recreational area within the secure facility or on the property of the facility that can support the youth's daily activity. A non-scalable fence must surround the recreational area.

NEW SECTION

WAC 388-145-1580 What are your requirements for storing dangerous chemicals or other substances? (1) You must store the following items in a place that is not accessible to preschool children or other persons with limited capacity or who might be endangered by access to these products:

(a) Cleaning supplies;

(b) Toxic or poisonous substances;

(c) Aerosols; and

(d) Items with warning labels.

(2) When containers are filled with toxic substances from a stock supply, you must clearly label those containers.

(3) Toxic substances must be stored separately from food items.

NEW SECTION

WAC 388-145-1585 What are the requirements for water, garbage, and sewer? (1) You must maintain adequate sewage and garbage facilities.

(2) Your facility must be connected to a public sewer system or have an on-site sewage system permitted by the local health department or the Washington state department of health.

(3) You must have access to a public water supply approved by the local health authority or tribal authority unless you have a private water supply tested by the local health authority or a private water-testing laboratory approved by the Department of Public Health. Testing is required at the time of licensing, re-licensing and at any time the department deems necessary.

(4) Running water must not exceed one hundred twenty degrees Fahrenheit.

(5) You must provide paper cups, individual drinking cups or glasses, or drinking fountains.

NEW SECTION

WAC 388-145-1590 How must I keep children safe around bodies of water? (1) You must ensure children in your care are safe around bodies of water. You must:

(a) Keep all swimming pools and other bodies of water fenced with a locking gate or other DLR-approved safety device;

(b) Lock hot tubs when not in use;

(c) Make all potential water hazards, including wading pools, inaccessible to children when not in use.

(2) All swimming pools and other bodies of water must comply with state and local regulations. You must work with your licensor to establish a plan for the bodies of water based on the development level and behaviors of the children in your facility.

(3) You must ensure age and developmentally appropriate supervision of any child that uses hot tubs, swimming pools, spas, and around man-made and natural bodies of water. A supervision plan may be necessary for children with specific behaviors.

(4) You must observe the following when foster children are swimming in pools or outdoor bodies of water:

(a) Swim only in designated swimming areas; or

(b) Require all children age 13 and under to wear U.S. Coast-Guard-approved personal floatation devices when swimming outside the supervision of a lifeguard.

(5) If you have any water-based recreation devices, you must use and maintain them according to manufacturer's recommendations. All children and youth who ride in a water-based recreation device must wear a U.S. Coast Guard-approved personal floatation device at all times.

(6) Except for staffed residential homes licensed for five or fewer children, you must have a person with current life-saving certification on-duty when children are swimming in any swimming pool or outdoor body of water.

(7) For staffed residential licensed for five or fewer children, an adult with current age-appropriate first aid and CPR or a person with current life-saving certification must supervise children swimming under age twelve. The supervising adult must know how to, and be able to use rescue equipment, and be able to see and hear the children at all times.

(8) Children under the age of five must be within touching distance of a supervising adult or the child's birth parent at all times.

NEW SECTION

WAC 388-145-1595 Are there room requirements for a group care facility? (1) You must meet the following room requirements to operate a group care facility:

(a) Provide rooms that are ample in size and properly furnished for the number of children you serve;

(b) Have a dining room area that is ample in size and suitably furnished for your residents;

(c) Provide a room or area that is used as an administrative office. In addition, suitable offices must be provided for case management staff. In facilities caring for fewer than thirteen children, these offices may be combined with the administrative office;

(d) Provide a space that can be used as a visiting area; and

(e) Maintain the temperature within your facility at a reasonable level when occupied. You must consider the age and needs of the children under your care in determining appropriate temperature.

NEW SECTION

WAC 388-145-1600 What are the general requirements for bedrooms? (1) Each child shall have or share a bedroom, approved by the licensor, with privacy and space that is appropriate and adequate to meet the child's developmental needs.

(2) For facilities licensed after December 31, 1986, bedrooms must have:

(a) Adequate ceiling height for the safety and comfort of the occupants. Normally this would be seven and a half feet; and

(b) A window that can open to the outside, allowing natural light into the bedroom and permitting emergency access or exit.

(3) Each bedroom must have unrestricted direct access to outdoors as well as one direct access to common use areas such as hallways, corridors, living rooms, day rooms, or other such common use areas.

(4) You must not use hallways, kitchens, living rooms, dining rooms, and unfinished basements as bedrooms.

(5) Common areas of the facility such as hallways, kitchens, living rooms, and dining rooms must not be used as bedrooms for anyone in the household without permission of the DLR licensor and DSHS worker, if applicable.

(6) An adult must be on the same floor or within easy hearing distance and access to where children under six years of age are sleeping.

NEW SECTION

WAC 388-145-1605 What are the requirements for sharing bedrooms? (1) Shared bedrooms must provide enough floor space for the safety and comfort of children.

(2) When a teen parent and his/her infant sleep in the same room, the room must contain at least eighty square feet of usable floor space. You must allow only one parent and infant(s) to occupy a bedroom.

(3) No more than four children shall sleep in the same room, with the exception of interim facilities as outlined in the additional program-specific requirements in this WAC. This includes foster children and any other children.

(4) You must not allow a child over one year of age to share a bedroom with an adult who is not the child's parent.

(5) Foster children must not share the same bedroom with a child of another gender unless all children are under age six.

(6) A youth placed in the Extended Foster Care program may not share a bedroom with a child under ten years of age who is not a sibling, without approval from the child's DSHS worker.

(7) An exception may be granted to subsection (3) though (6) in this section with an administrative approval if it is supported by the licensor (and the child(ren)'s DSHS worker, as appropriate) and is in the best interest of the child.

NEW SECTION

WAC 388-145-1610 What are the requirements for beds in a facility? (1) You must provide an appropriately-

sized separate bed for each child, with clean bedding and a mattress in good condition.

(2) Some children may soil the bed, and you may need to plan accordingly. You must provide waterproof mattress covers or moisture-resistant mattresses if needed. Each child's pillow must be covered with waterproof material or be washable.

(3) A mat may be used for napping but not as a substitute for a bed.

(4) You must provide an infant with a crib that ensures the safety of the infant, and complies with chapter 70.111 RCW, Consumer Product Safety Improvement Act of 2008. These regulations include:

(a) A maximum of 2 3/8" between vertical slats of the crib;

(b) Cribs, infant beds, bassinets, and playpens must have clean, firm, snug-fitting mattresses covered with waterproof material that can be easily disinfected and be made of wood, metal, or approved plastic with secure latching devices; and

(c) You must not use crib bumpers, stuffed toys and pillows when sleeping infants unless advised differently by the child's physician.

(5) You must place infants on their backs for sleeping, unless advised differently by the child's physician.

(6) You must not allow children to use loft style beds or upper bunks of beds if using them could hurt them because of children's age, development or condition. Examples: Preschool children, expectant mothers, and children with a disability.

NEW SECTION

WAC 388-145-1615 What are the requirements for laundering and storage of clothing and linen? (1) You must assure that children have access to clean clothing that is appropriate to their age.

(2) You must provide for separate and safe storage of children's clothing and personal possessions.

(3) The department has specific requirements for laundering:

(a) You must have separate and adequate facilities for storing soiled and clean linen;

(b) You must provide adequate laundry and drying equipment, or make other arrangements for getting laundry done on a regular basis;

(c) You must locate laundry equipment in an area separate from the kitchen and child care areas;

(d) If you care for children under the age of five, you must make laundry equipment inaccessible;

(e) Laundry dryers must be ventilated to the outside; and

(f) You must use an effective way to sanitize laundry.

NEW SECTION

WAC 388-145-1620 What are the requirements for diapers and diaper-changing areas? (1) You must separate diaper-changing areas from food preparation areas.

(2) You must disinfect diaper-changing areas and toilet-training equipment between each use or you must use a non-absorbent, disposable covering that is discarded after each use.

(3) For cleaning children, you must use either disposable towels or clean cloth towels that have been laundered between each use.

(4) You must use disposable diapers, a commercial diaper service, or reusable diapers supplied by the child's family.

(5) You and your staff must wash hands before and after diapering each child.

(6) Diaper-changing procedures must be posted at the changing areas.

(7) Diaper-changing areas must be adjacent to a hand-washing sink.

(8) If you are diapering a child on a diaper-changing table, you must be within arms-length of the child at all times.

NEW SECTION

WAC 388-145-1625 What are the requirements for the use of electronic monitors to monitor children? (1) CA prohibits the use of video and audio monitoring of children in a group residential facility unless all of the following are met:

(a) The DLR administrator grants approval for the use of an electronic monitoring device in your facility following a request by the child's DSHS worker;

(b) The court approves implementation of the monitoring as part of the child's case plan; and

(c) You maintain a copy of the approval.

(2) The prohibition of audio or visual monitoring does not include monitoring of the following:

(a) Infants and toddlers;

(b) Medically fragile or sick children;

(c) Video recording equipment to document actions of a child as directed in writing by the child's physician;

(d) Video recording for special events such as birthday parties or vacations; or

(e) The use of door or window alarms or motion detectors.

NEW SECTION

WAC 388-145-1630 Are time-delay mechanisms allowed on windows and doors? (1) The use of time-delay mechanisms on windows and doors of a group care facility (except for staffed residential homes licensed for five or fewer children) may be approved if:

(a) They meet the fire codes and approval of the WSP/FPB;

(b) There is an exterior door(s) that ensures escape in the event of an evacuation;

(c) The time-delay mechanism(s) automatically unlocks when the fire alarm goes off;

(d) The licensee has approval from the DLR licensor stating that the program is in compliance with the children's administration's behavior management guidelines; and

(e) The licensee has written approval of the DLR administrator.

NEW SECTION

WAC 388-145-1635 What are the requirements for the prevention of the spread of infections and communicable disease? (1) You must notify your DLR licensor if you

or any adults having access to children in your care, have been exposed to someone with tuberculosis or when a health care provider recommends testing.

(2) Retesting for license renewals is not required unless the above conditions apply.

(3) Staff with a reportable communicable disease or a notifiable disease condition in an infectious stage, as defined by the department of health in chapter 246-101 WAC, must not be on duty until they have a physician's approval for returning to work.

(4) Each facility that cares for medically fragile children must have an infection control program supervised by a nurse licensed by the department of health. Staffed residential homes licensed for five or fewer children who are medically fragile may use other methods to develop infection control procedures, such as in-home nursing services, upon approval by the department.

(5) You must promote personal hygiene to help prevent the spread of germs.

(6) You must have written policies and procedures about the control of infections. These must include, but are not limited to, the following areas:

- (a) Isolation of sick children;
 - (b) Germ control procedures;
 - (c) Hygiene, including hand washing, using the toilet, diapering, and laundering;
 - (d) Prevention of the transmission of communicable diseases including management and reporting;
 - (e) First aid;
 - (f) Care of minor illnesses;
 - (g) Actions to be taken for medical emergencies;
 - (h) Infant care procedures when infants are under care;
- and

(i) General health practices.

(7) If you are licensed to care for thirteen or more persons at once, you must arrange to have one of the following people help you develop and periodically review your medication management and your medical policies and procedures:

- (a) An advisory physician;
- (b) A physician's assistant; or
- (c) A registered nurse.

NEW SECTION

WAC 388-145-1640 Am I required to keep first aid supplies? (1) You must keep adequate first-aid supplies and medications recommended by a child's physician, on hand for immediate use. The following first aid supplies must be available to staff at all times:

- (a) Protective non-latex gloves;
- (b) Bandages;
- (c) Scissors;
- (d) Ace bandages;
- (e) Gauze; and
- (f) Non-breakable and mercury-free thermometer.

NEW SECTION

WAC 388-145-1645 What are the requirements regarding pets and animals in my facility? (1) All animals

on your property must be safe and cared for in a sanitary manner.

(2) You must comply with city, county, state and federal statutes and regulations regarding:

- (a) Animal safety;
- (b) Vaccinations; and
- (c) Standard veterinary care.

(3) You may not have an animal in your facility or on your premises that is dangerous to children.

(4) The department has the discretion to limit the type and number of household pets and animals if we determine there are risks to the children in your care.

NEW SECTION

WAC 388-145-1650 Are alcoholic beverages, marijuana or illegal drugs allowed on a facility's property? (1) You must not have or consume alcohol, marijuana or illegal drugs on the premises.

(2) You must not allow staff under the influence of alcohol, marijuana or illegal drugs, to have contact with children in care.

NEW SECTION

WAC 388-145-1655 Is smoking permitted around children? (1) You must not allow smoking in the living space of your facility or motor vehicles while transporting children.

(2) You may permit adults to smoke outdoors away from children in accordance with RCW 70.160.075.

(3) These rules do not apply to traditional or spiritual Native American or religious ceremonies involving the use of tobacco.

NEW SECTION

WAC 388-145-1660 Are guns allowed on a licensed facility's property? (1) You must not permit guns, ammunition, and other weapons on the premises of your facility, with the exception of law enforcement.

(2) You may allow a child under your care to use a firearm only if:

- (a) The child's DSHS worker approves;
- (b) The youth has completed an approved gun safety or hunter safety course; and
- (c) Adults who have completed a gun or hunter safety course are supervising use.

Fire Safety and Emergency Practices

NEW SECTION

WAC 388-145-1665 What are the fire safety requirements for all group residential facilities? (1) You must comply with the regulations developed by the chief of the Washington state patrol through the director of the fire protection bureau (WSP/FPB). These regulations are contained in the current fire code and Washington state amendments as adopted by the state of Washington. Contact the WSP/FPB for specific requirements.

(2) If you operate a staffed residential home for five or fewer children you must meet the fire safety requirements outlined in chapter 388-148 WAC for child foster homes.

(3) You and your staff must be familiar with safety procedures related to fire prevention, including fire drill procedures.

(4) You and your staff must be able to:

(a) Operate all fire extinguishers installed on the premises;

(b) Test smoke detectors (single station types);

(c) Conduct frequent inspections at your facility to identify fire hazards and take action to correct any hazards noted during the inspection;

(d) Ensure children are able to escape from every floor in your facility. In most cases, this includes a functional fire ladder available from upper stories; and

(e) Ensure windows open to the outside and are large enough for emergency personnel to enter and exit wearing rescue gear.

(5) You must have easy access to all rooms in your facility in case of emergencies.

(6) Barriers are required for fireplaces, wood stoves and other heating systems for facilities licensed for children less than six years of age. You must not leave open-flame devices unattended or use them for a purpose other than for what they were designed.

(7) Emergency vehicles must be able to access your facility. Your address and/or mailbox must be clearly visible so that emergency personnel can easily find your location.

(8) We may require you to have an inspection by WSP/FPB or the local fire authority if we have questions about fire safety, or if local ordinances or WSP/FPB require these inspections.

NEW SECTION

WAC 388-145-1670 Do I need a written emergency plan? (1) You must have a written plan on how you will evacuate children in case of fire or other emergencies such as natural disasters or unforeseen events. Evacuation plans must be developed reflective of the developmental level and behaviors of children living in your facility.

(2) You must be prepared for emergencies (such as hostile persons on the premises, fires, or earthquakes) by having a written evacuation plan prepared that identifies how you will:

(a) Educate and familiarize your residents appropriate to their age and development level; and

(b) Notify the department if an incident occurs.

(3) The emergency plan must include an evacuation floor plan, identifying exit doors and windows, and must be posted at each exit door. You must ensure that the evacuation plan includes:

(a) Action to be taken by the person discovering a fire, including methods for sounding an alarm on the premises;

(b) Action to be taken following a natural disaster or emergency;

(c) Evacuation of the building in a manner that ensures safety for staff and children; and

(d) Action to be taken while waiting for the fire department.

(4) Emergency plans should be easily viewable for staff and residents at all times.

NEW SECTION

WAC 388-145-1675 What requirements must be followed for smoke detectors? (1) Staffed residential homes licensed for five or fewer children must meet the following:

(a) If a sleeping or napping room has a ceiling height that is at least twenty-four inches higher than its adjoining hallway, you must install a smoke detector in both the hallway and the sleeping or napping room;

(b) If a smoke detector is mounted on a wall, it must be twelve inches from the ceiling and a corner; and

(c) Smoke detectors must be tested twice a year to ensure they are in working order. You must document the date and time of the test.

(2) All other group residential facilities must meet the regulations developed by the WSP/FPB. You must also meet the following:

(a) Have smoke detectors that are UL or Factory Mutual approved in each bedroom or in areas close to where children sleep, such as a hallway;

(b) Have smoke detectors on each level/story of the dwelling to include basements and habitable attics;

(c) Have smoke detectors with a strobe and be in compliance with the Americans with Disabilities Act (ADA).

(d) Test single-station smoke detectors monthly or in a manner specified by the manufacturer. You must maintain a written record of such testing on the premises that indicates the date and time the test was completed.

(3) If questions arise concerning fire danger, the department may require that the local fire protection authority be consulted.

NEW SECTION

WAC 388-145-1680 What requirements must be followed for carbon monoxide detectors? (1) Carbon monoxide alarms must be provided with single station carbon monoxide alarms installed:

(a) In or near each separate sleeping area in the immediate vicinity of the bedrooms; and

(b) On each level of the dwelling.

(2) Carbon monoxide alarms shall be listed as complying with UL 2034 and be installed and maintained in accordance with NFPA 720 and the manufacturer's instructions.

NEW SECTION

WAC 388-145-1685 What are the requirements for fire drills? (1) You must conduct a fire drill at least once each month at varying times of the day and night so that staff on all shifts practice the procedures.

(2) You must maintain a written record on the premises that indicates the date and time that all drills were completed.

(3) If you care for non-ambulatory children, you must consult with and follow the WSP/FPB protocol for "simulated" fire drills.

NEW SECTION

WAC 388-145-1690 What are the requirements for fire extinguishers? (1) You must have at least one approved 2A10BC-rated 5lb or larger all-purpose (ABC) fire extinguisher readily available at all times. You must maintain and service fire extinguishers according to manufacturer's specifications. Approved 2A10BC-rated means a fire extinguisher with an underwriters' laboratory label on the nameplate classifying the extinguisher as 2A10BC-rated or larger.

(2) Approved fire extinguisher(s) must be located in the area of the normal path of exiting. The maximum travel distance to an extinguisher from any place on the premises must not exceed seventy-five feet. When the travel distance exceeds seventy-five feet, additional extinguisher(s) are required.

(3) You must have at least one fire extinguisher on each floor of a multi-level facility.

(4) Fire extinguishers must:

(a) Be mounted in a bracket or in a fire extinguisher cabinet so that the top of the extinguisher is no more than five feet above the floor; and

(b) Receive an annual maintenance certification by a licensed firm specializing in this work, based on the manufacturer's recommended schedule. Maintenance means a thorough check of the extinguisher for:

(i) Mechanical parts;

(ii) Extinguishing agent; and

(iii) Expelling means.

(5) New fire extinguishers do not need to receive an additional certification test during the first year.

(6) The department may require that additional fire extinguishers be available on the premises, in consultation with the local fire authority or WSP/FPB.

NEW SECTION

WAC 388-145-1695 Are there different construction and fire safety requirements for facilities that have multiple licenses in the same building? (1) A facility with multiple Washington state licenses or certifications for the care of children in the same building must comply with the most stringent construction and fire safety requirements for the physical structure, if children share the same space.

(2) If the same facility has multiple Washington state licenses the licensee must notify:

(a) The Washington state patrol fire protection bureau inspector; and

(b) All licensing and certification agents.

Service PlanningNEW SECTION

WAC 388-145-1700 What must I include in a child's orientation to my facility? (1) As part of admission, staff must give an orientation to all children over the age of six (as developmentally appropriate) that includes, but is not limited to:

(a) A description of the program and services;

(b) A map and/or tour of the physical facility;

(c) A review of your fire evacuation plan;

(d) The department-approved policy that states that a child may not have guns and other weapons, alcohol, tobacco, and drugs within the facility;

(e) Orientation on personal protection and personal boundaries; and

(f) The department-approved policy on client visitation that includes access to the youth's attorney and DSHS worker.

(2) Written documentation of this orientation must be kept in each child's file.

NEW SECTION

WAC 388-145-1705 How does my agency meet the religious needs of children in care? (1) You must ensure an environment of tolerance and sensitivity to a child's spiritual and religious beliefs. This includes providing adequate opportunity for spiritual and religious training and participation appropriate to the child's beliefs. You must not require any child to participate in spiritual or religious practices contrary to the child's beliefs.

(2) You must not impose consequences if a child chooses not to participate in particular spiritual or religious practices.

NEW SECTION

WAC 388-145-1710 What are the requirements about nondiscrimination? You must follow all state and federal laws regarding nondiscrimination while providing services to children in your care. You must treat foster children in your care with dignity and respect regardless of race, ethnicity, culture, sexual orientation and gender identity. You must connect a child with resources that meets a child's needs regarding race, religion, culture, sexual orientation and gender identity.

NEW SECTION

WAC 388-145-1715 Are there additional considerations in service to Native American children? You must make every effort to provide culturally relevant and sensitive child welfare services to Native American children and their families. You must follow all federal and state laws for any Native American children that you have under your care.

NEW SECTION

WAC 388-145-1720 Do I need a social summary for children under my care (except for interim facilities)? (1) You must develop a written social summary for each child accepted for care within seventy-two hours but no longer than thirty days of the child's placement. The social summary must serve as the basis of the child's admission to your care.

(2) The summary must contain the following information for the child:

(a) Available copies of psychological or psychiatric evaluations, if any, on the child under care;

(b) A narrative description of the child's background and family that identifies the immediate and extended family resources;

- (c) The child's interrelationships and circumstances that have brought the child into out-of-home care;
- (d) The child's primary and alternate permanency plan;
- (e) Previous placement history (if any); and
- (f) An evaluation of the child's need for the particular services and type of care you provide.

NEW SECTION

WAC 388-145-1725 Do I need a treatment plan for children under my care? (1) If you are providing care to children who are under the care and authority of the department, and you have contracts or agreements to provide treatment or therapeutic services, you must assist in developing and implementing a written treatment plan for each child by the thirtieth day in care.

(2) The treatment plan must:

- (a) Identify the service needs of the child, parent or guardian;
- (b) Describe the treatment goals and strategies for achieving those goals;
- (c) Include an ongoing account of the treatment received by the child and others involved in the treatment plan, such as any group treatment or individual counseling; and
- (d) Be updated at least quarterly to show the progress toward meeting goals and list barriers to the permanent plan.

(3) A Master's level case management staff person or consultant must review and sign approving the child's treatment plan.

NEW SECTION

WAC 388-145-1730 What are the educational and vocational instruction requirements for children in care (except interim facilities)? (1) You must meet the following requirements for providing education and vocational instruction to the children under your care. For each child you must:

(a) Follow the educational plan approved by the child's DCFS worker;

(b) Support the child in regular school attendance. If a child is absent from school you must follow the school's reporting requirements. Notify the child's DSHS worker if the child is absent from school more than three consecutive school days;

(c) Receive approval from the child's DCFS worker prior to making any changes to a child's educational plan;

(d) Support the child's educational plan by providing each child with necessary school supplies and a suitable place to study;

(e) Develop a plan for a child's transportation to and from school;

(f) Provide or arrange for independent living skills education for developing self-sufficiency for children over the age of fifteen years; and

(g) Encourage older youth to pursue a post-secondary education when appropriate.

(2) If the instruction is given on your premises, you must:

(a) Receive approval from the child's DSHS worker if the child is placed in your care by the department;

(b) Have the program certified by the Office of the Superintendent of Public Instruction (OSPI) and provide classrooms separate from the living area; and

(c) Send DLR a written description of how you will provide an educational program for children under your care.

(3) If a child is not enrolled and attending school within three consecutive school days after being placed in your care, you must contact the child's school and DSHS worker in order to develop a plan which could involve long distance learning if appropriate.

NEW SECTION

WAC 388-145-1735 What are the requirements for an activity program? (1) You must provide an activity program that includes integration of children and youth in the community. Safe and suitable materials must be designed to meet the developmental, cultural, and individual needs of the children served. A schedule of weekly activities must be posted and available to view by residents and others.

(2) Activities must be designed for the developmental stages of the children you serve, allowing a balance between:

- (a) Child-initiated and staff-initiated activities;
- (b) Free play and organized events;
- (c) Individual and group activities; and
- (d) Quiet and active experiences.

(3) Children must be grouped with similar ages to ensure their safety.

NEW SECTION

WAC 388-145-1740 Can children in my care receive services through the extended foster care program? Your facility can serve youth enrolled in the extended foster care program. You must adhere to WAC 388-25-0500 through 388-25-0548.

Daily Care, Behavior ManagementNEW SECTION

WAC 388-145-1745 What are the general well-being requirements for a group care program? You must provide a safe and healthy, age-appropriate home-like living environment that meets the medical, psychological, physical and developmental needs of the children in your care.

NEW SECTION

WAC 388-145-1750 What are the requirements for supervising children? (1) You must provide and arrange supervision that is appropriate for the child's age, and developmental level including:

- (a) Appropriate adult supervision including ongoing and periodic checks of the children in your facility;
- (b) Personal attention;
- (c) Emotional support;
- (d) Structured daily routines and living experiences; and
- (e) Additional supervision as needed and required by the department. This supervision may require auditory or visual supervision at all times.

(2) You must also ensure that:

(a) Children under five years of age and children who are vulnerable due to their disability are not left unattended in a bathtub or shower;

(b) Cribs, bassinets, cradles, playpens and swings are not used as a substitute for supervising or interactive play with infants and young children;

(c) Children who help with activities involving food preparation are supervised based on their age and skills;

(d) Children are assisted to develop self-control and judgment skills; and

(e) Children are encouraged to assume age-appropriate responsibility for their decisions and actions.

(3) Prior to placement, you must inquire if a child poses a risk to the other children in your facility or has special supervision needs by obtaining information from the parent, legal guardian, the child's DSHS worker, therapist, or previous placements. You must:

(a) Develop a plan to address those needs;

(b) Obtain approval from the child's DCFS worker if the child is under the care and authority of the department; and

(c) Inform your licensor.

(4) All high risk activities, including the use of power driven machines or other hazardous equipment, must be properly supervised by an adult. When participating in high risk activities, children must:

(a) Be instructed how to use and required to use appropriate safety equipment, such as helmets and life vests; and

(b) Be in continuous visual or auditory range at all times, unless approved by the child's DSHS worker.

NEW SECTION

WAC 388-145-1755 What requirements must I follow when I transport children? (1) Transportation you provide must be safe, reliable, and in compliance with law and contract requirements.

(2) The driver of the vehicle must:

(a) Have a valid driver's license; and

(b) Be covered under an automobile liability insurance policy.

(3) The vehicle must:

(a) Be kept in safe operating condition;

(b) Be equipped with seat belts, car seats and booster seats, and/or other appropriate safety devices for all passengers as required by law. All persons in the vehicle must use the restraint system when the vehicle is in motion; and

(c) Contain first aid supplies.

(4) There must be at least one adult other than the driver in a vehicle when:

(a) There are more than five pre-school age children in the vehicle;

(b) Staffing requirements or your contract requires a second staff person; or

(c) The child's specific needs require a second adult.

(5) Buses approved by the state patrol are not required to have seat belts.

NEW SECTION

WAC 388-145-1760 What are the travel requirements for children in care? You must get written approval from the child's DCFS worker for children in the care and custody of the department, or the child's parent or guardian for the children not in the department's care and custody prior to any travel over seventy-two hours, and any out-of-country travel.

NEW SECTION

WAC 388-145-1765 Can children be assigned work in a facility or work outside the facility? (1) Children may do regular household tasks without payment, or may be assigned other work that is appropriate to the child's age and developmental level, with monetary compensation.

(2) It may be appropriate for some children to obtain employment when:

(a) Laws regarding minors working are followed; and

(b) The child's work does not interfere with school.

NEW SECTION

WAC 388-145-1770 Can a child earn allowance while in care? If a child is placed in your facility over thirty days you must give the child an allowance based on age, needs, and the child's ability to manage money. You must keep track of allowances given to children in a ledger.

NEW SECTION

WAC 388-145-1775 What belongings must be provided to a child leaving my facility? (1) You must permit a child who leaves your facility to take their personal belongings with them. This includes belongings the child brought with them or acquired in your care, such as clothing, mementos, bicycles, gifts, and any saved money.

(2) If it is not possible for the child to take their belongings at the time they leave, you are required to secure them for up to thirty days and cooperate with the child's DSHS worker to transfer them to the child, as soon as possible.

NEW SECTION

WAC 388-145-1780 Do I have responsibility for a child's personal hygiene? You must provide or arrange for children in your care to have items needed for grooming and personal hygiene. You must assist children in using these items, based on the child's developmental needs.

NEW SECTION

WAC 388-145-1785 What are the requirements for privacy for children in out-of-home placements? (1) In general, children in out-of-home placements have the right to privacy of personal mail, electronic mail and phone calls.

(2) The department and its delegates may censor the child's mail and monitor telephone calls to the extent necessary and in the manner specified by the court order for the child's safety and well-being.

NEW SECTION

WAC 388-145-1790 What are the food and meal guideline requirements? (1) Food served to children in your care must be properly stored and prepared, and meet children's nutritional, cultural and developmental needs, offering a variety of foods for meal enjoyment.

(2) You must routinely provide an opportunity during mealtimes for socialization for all children.

(3) You must not serve home-canned foods to children.

(4) You must properly store, prepare, and serve food to meet the needs of the children in your care. All food service facilities and food handling practices must comply with rules and regulations of the state board of health governing food service sanitation. This includes a food handler's permit for all staff per chapter 246-215 WAC.

(5) You must prepare and date daily menus, including snacks, at least one week in advance. You must keep the menus on file for a minimum of six months so that we can review them.

(6) You must establish and post a schedule of mealtimes.

(7) You must ensure that staff are aware of each child's dietary restrictions, in a manner that ensures the child's privacy.

NEW SECTION

WAC 388-145-1795 How often do children need to be provided meals? You must provide all children a minimum of three meals and two snacks in each twenty-four hour period. You may vary from this guideline only if you have written approval from the child's physician and DSHS worker.

NEW SECTION

WAC 388-145-1800 What are the requirements for handling a child's special diet? You must have approval of the child's DSHS worker and written instructions by a physician, parent or guardian before serving nutrient concentrates, nutrient supplements, vitamins, and modified diets (therapeutic and allergy diets).

NEW SECTION

WAC 388-145-1805 Are there special requirements for serving milk? (1) The milk or milk products you serve must be pasteurized and follow these recommended guidelines:

(a) Children under the age of twelve months must receive formula or breast milk unless written authorization from the child's physician requires a different liquid intake; and

(b) Children between the age of twelve and twenty-four months must receive whole milk unless you have written authorization from a physician not to serve whole milk.

(2) Before serving a child breast milk you must have approval of the child's DSHS worker, physician, parent or guardian. If breast milk is provided by anyone other than a baby's biological mother, it must be obtained through a licensed breast milk bank.

(3) When you are using bottles to feed infants you must sterilize and use them according to product standards and commonly acceptable practices. You must refrigerate filled bottles if you do not use them immediately, and you must empty the bottle if not used within twenty-four hours. If more than one child is bottle-fed, the child's name and date the bottle is prepared must be on each bottle.

(4) You must hold infants, under the age of six months, for all bottle feedings. Infants who are six months of age or over who are developmentally able may hold their own bottles as long as an adult remains in the room and within sight. You must take bottles from the child when the child finishes feeding, when the bottle is empty, or when the child falls asleep. You must not prop bottles when feeding infants.

(5) To prevent burns, formula must not be warmed in a microwave oven in the bottle that will be used for feeding the infant.

NEW SECTION

WAC 388-145-1810 Are there special requirements for infants and young children? In caring for infants and young children, you must hold infants at times other than feeding for the purposes of comfort and attention; and allow children plenty of free time outside of a swing, crib or playpen.

NEW SECTION

WAC 388-145-1815 Are written policies and procedures required describing a facility's discipline methods? (1) You must provide a written statement with your application and re-application for licensure describing the discipline methods you use. This plan must be approved by your DLR licensor.

(2) You and authorized care providers have the responsibility for discipline; you may not delegate that responsibility to a child.

(3) You must not withhold a child's need for necessary services including contact with the child's DSHS worker, case manager, and legal representatives. You must not withhold approved contact with a child's family, without further approval from the child's DSHS worker.

(4) For additional information you may refer to the children's administration's behavior management guide.

(5) If your discipline methods change, you must immediately provide a new statement to your licensor describing your current practice.

(6) You must use positive methods of guidance and discipline that promote self-control, self-responsibility, self-direction, self-esteem and cooperation. Positive methods may include:

(a) Redirecting children;

(b) Giving choices when appropriate;

(c) Time out as a method of guidance, allowing the child time to change his/her behavior;

(d) Planning in order to prevent problems; and

(e) Using positive reinforcement and encouraging children to express their feelings and ideas.

(7) You must use discipline that is appropriate to the child's age and level of development.

(8) You must not use corporal punishment or verbally abusive, neglectful, humiliating or frightening punishment.

(9) You must not discipline children in the following ways:

- (a) Physical punishment;
- (b) Cursing;
- (c) Threats;
- (d) Humiliation or intimidation; or
- (e) Methods that interfere with a child's basic needs, including withholding of food.

NEW SECTION

WAC 388-145-1820 When may a child be restrained? (1) You must use efforts other than physical restraint to redirect or deescalate a situation, unless the child's behavior poses an immediate risk to the physical safety of the child or another person, or of serious property damage. If restraint is necessary, it must be reasonable and necessary to:

- (a) Prevent a child from harming self or others; or
 - (b) Protect property from serious damage.
- (2) All staff must be trained in a DLR approved behavior management training prior to using physical restraint.
- (3) You must not use physical restraint as a form of punishment or discipline. You must not use mechanical restraints unless ordered by the child's physician and approved by the department. You must not use physical restraint techniques that restrict breathing, or inflict pain as a strategy for behavior control, or is likely to cause injury that is more than temporary. These include, but are not limited to:

- (a) Restriction of body movement by placing pressure on joints, chest, heart, or vital organs;
 - (b) Sleeper holds, which are holds used by law enforcement officers to subdue a person;
 - (c) Arm twisting;
 - (d) Hair holds;
 - (e) Choking or putting arms around the throat; or
 - (f) Chemical restraints, such as pepper spray.
- (4) When you have to use physical or mechanical restraints on a regular basis, you must get prior written approval from the child's DSHS worker and approval by your DLR licensor.
- (5) You must develop policies and procedures, approved by the department, when your behavior management practices include use of physical restraint, including:
- (a) Who may authorize the use of physical restraint; and
 - (b) The circumstances when physical restraint may be used, including time limitations, re-evaluation procedures, and supervisory monitoring.

NEW SECTION

WAC 388-145-1825 What must I do following an incident that involved using physical restraint? (1) Your executive director or program supervisor must:

- (a) Review any incident with the staff who used physical restraint to ensure that the decision to use physical restraint and its application were appropriate; and
- (b) Report the incident if it meets the criteria listed in WAC 388-145-1535.

NEW SECTION

WAC 388-145-1830 Are there requirements for time-out or quiet rooms? (1) Locked time-out or locked de-escalation rooms are prohibited in all facilities. In certain circumstances, facilities may have time-out rooms or de-escalation rooms that allow for securing the youth in a room, requiring a staff to be present, holding the door closed so the youth may not exit. In these cases you must meet the following requirements:

- (a) Have a window that allows for visual monitoring of all areas of the room;
- (b) Have approval from the Washington state patrol fire protection bureau or a certificate of compliance stating that the facility is in compliance with the fire codes with Washington state amendments;
- (c) Have approval from the DLR licensor stating the facility is in compliance with the children's administration's behavior management guidelines; and
- (d) Have current written approval of the DLR administrator.

Medical Safety

NEW SECTION

WAC 388-145-1835 Am I required to assess a child's need for immediate medical attention? (1) After a child is admitted to your program you must ensure that a child receives an initial health screen or physical exam as soon as possible but no later than five days after entering your program. The initial health screen involves a review of the child for any health needs requiring immediate attention. You do not need to take a child to get this screen if you received the children directly from a hospital, pediatric interim care, or the child is receiving services through a child advocacy center or sexual assault clinic.

- (2) You must also make reasonable attempts to obtain the following health history:
- (a) Allergies;
 - (b) All currently prescribed medications; and
 - (c) Any special physical or mental health issues.
- (3) If the child remains in placement beyond seventy-two hours, you must contact the child's DSHS worker, child-placing agency, parent, or legal guardian to obtain the following information:
- (a) The date of the child's last physical and dental exam;
 - (b) A history of immunizations; and
 - (c) Clinical and medical diagnoses and treatment plans.
- (4) When a child leaves the facility, the health history of the child must be provided to the child's DSHS worker or the next caregiver.

(5) You should refer to the department of health's dental care brochure as a guide for ensuring proper dental care for children.

NEW SECTION

WAC 388-145-1840 When must I get an EPSDT exam for a child? Children who are in out-of-home care must receive an early and periodic screening, diagnosis and

treatment (EPSDT) exam within thirty days, unless they have had an EPSDT exam in the previous thirty days, except for children placed by DDA through a voluntary placement agreement. Children also receive subsequent periodic EPSDT exams; information on these required exams may be obtained from the child's DCFS worker.

NEW SECTION

WAC 388-145-1845 What are the requirements for obtaining consent for emergent and routine medical care?

(1) The department is the legal custodian for children it places in care. We have the authority to consent to emergent and routine medical services on behalf of a child under the age of eighteen. Youth in care over the age of eighteen must consent to their own medical care or have an identified person who has been granted the legal authority to consent on their behalf. We delegate some of the authority to providers. You must contact the child's DSHS worker or children's administration intake for specific information for each child.

(2) If you care for children in the custody of another agency, tribal court or other court, you must follow the direction of that agency or court regarding permission to provide consent for medical care.

(3) In case of medical emergency, contact the child's DSHS worker or children's administration intake as soon as possible.

(4) It is your responsibility to ensure that a child receives the necessary medical attention if injured or harmed. In the event of a life-threatening medical emergency, you must contact 911 prior to transporting the child to a medical facility.

NEW SECTION

WAC 388-145-1850 What requirements are there for the storage of medications? (1) Prescription and over-the-counter medications must be kept in a locked container in a manner that minimizes the risks for medication errors.

(2) Human medication and animal medication must be kept separate from each other and in locked containers.

NEW SECTION

WAC 388-145-1855 What are the general requirements for managing a child's medication? (1) Medication must not be used for behavior control, unless prescribed for that purpose by a physician or another person legally authorized to prescribe medication.

(2) Only you, a licensed foster parent, or another authorized care provider, such as a respite provider, are allowed to have access to medications for a child in your care.

(3) You must not use medication in an amount or frequency other than that prescribed by an appropriately licensed health care provider or psychiatrist.

(4) You must not reduce or stop a child's prescribed medication without the written approval of the child's physician. You must report this information to the child's DSHS worker. In addition to the physician, you must coordinate starting or stopping a child's psychotropic medication with the child's social worker. The social worker may need to obtain consent from the child age thirteen or older, the parent, or the court.

(5) You must follow the direction of the agency or court regarding giving or applying prescription and nonprescription medications if you care for children in the custody of another agency, tribal or other court. If this is in conflict with children's administration policy you must notify the child's DCFS worker.

(6) You must not give medications to a child that has been prescribed for someone else.

(7) You must keep a record of all prescription and non-prescription medications given to children in care. This documentation includes:

- (a) Child's name;
- (b) Time of medication;
- (c) Dosage of medication; and
- (d) Name of person administering medication.

NEW SECTION

WAC 388-145-1860 How do I manage a child's non-prescription medications? (1) You or another authorized care provider must give non-prescription medications:

- (a) Only as specified in the instructions; or
- (b) As otherwise approved by a physician or another person legally authorized to prescribe medication.

NEW SECTION

WAC 388-145-1865 Can I give a child non-prescription medications with prescription medications? You must give prescription and over the counter medications as specified on the medication label or as prescribed by persons legally authorized to prescribe medication. This includes herbal supplements and remedies, vitamins, or minerals.

NEW SECTION

WAC 388-145-1870 How do I dispose of medications? (1) You must consult with a pharmacist or other health professional on the proper disposal of medications that are no longer being taken or have expired. The disposal of any prescription medication must be documented and contain the following information:

- (a) What medication was disposed;
- (b) The name of the child for whom the medication was prescribed;
- (c) The amount disposed;
- (d) The name of the person disposing of the medication; and
- (e) The name of the person witnessing the disposal.

NEW SECTION

WAC 388-145-1875 Can I accept medication from a child's parent or guardian? (1) The only medicine you may accept from the child's parent, guardian, or responsible relative is medicine in the original container labeled with:

- (a) The child's first and last name;
- (b) The date the prescription was filled;
- (c) The medication's expiration date; and
- (d) Legible instructions for administration (manufacturer's instructions or prescription label) of the medication.

(2) You must notify the child's DSHS worker if you have any concerns about medication being provided to you by the child's parent or guardian.

NEW SECTION

WAC 388-145-1880 When may children take their own medicine? (1) You may permit children under your care to take their own medicine as long as:

(a) They are physically and mentally capable of properly taking the medicine;

(b) You monitor that the youth is taking the medication according to the prescription or manufacturer's instructions to ensure proper amount and frequency; and

(c) You must keep the written approval by the child's DSHS worker in your records.

(2) When a child is taking their own medication, the medication and medical supplies must be kept locked or inaccessible to unauthorized persons.

(3) In emergency respite centers, a parent may provide written approval.

(4) In overnight youth shelters, youth may take their own prescription or non-prescription medications if you follow the requirements outlined in subsection (1)(a) and (b) in this section.

NEW SECTION

WAC 388-145-1885 What are the immunization regulations? (1) Immunization standards for all children in your facility are based on the advisory committee for immunizations practices of the Center for Disease Control (ACIP/CDC). Children placed in your care by the department are required to be immunized according to advisory committee on immunization practices as established in the recommended immunization schedule for persons Aged 0-18 Years, United States, 2012 and as amended each subsequent year, except for rotavirus and human papilloma virus.

(2) If a child who has not received all recommended immunizations is placed in your care, you must take the child to a health care provider as soon as medically possible for catch-up immunizations according to the ACIP/CDC catch-up schedule.

(3) You must contact each child's DSHS worker and your licenser if a serious infection or a communicable disease is a threat to the children in your care. The department may remove a foster child from your facility when the threat of a serious infection or communicable disease creates a risk to the health of any child placed in your facility.

LICENSED FACILITIES AND SPECIALIZED SERVICES

Crises Residential Centers (CRC - Regular and Secure)

NEW SECTION

WAC 388-145-1890 What type of crisis residential center (CRC) facilities may be licensed? (1) You may be licensed as a semi-secure CRC or a secure CRC.

(2) Semi-secure CRCs are not locked facilities, but are operated in a way that reasonably assures that youth placed there will not run away. Regular CRCs are also known as semi-secure CRCs, as referred to in RCW 13.32A.030(16).

(3) A secure CRC is designed and operated to prevent a youth from leaving without permission of the staff, as referred to in RCW 13.32A.030(15).

NEW SECTION

WAC 388-145-1895 What hours must I be available to receive youth? You must be open and available to receive youth twenty-four hours a day, seven days a week.

NEW SECTION

WAC 388-145-1900 What residents are admitted to a semi-secure CRC? (1) Semi-secure CRCs provide emergency, temporary residence to youth ages twelve through seventeen who meet one of the following criteria:

(a) Are beyond the control of their parents or guardians and behave in a way that endangers any person's welfare;

(b) Need assistance getting food, shelter, health care, clothing, educational services, and/or resolving family conflicts;

(c) Need temporary protective custody; or

(d) Have parents who are not able or willing to continue efforts to keep the family together.

NEW SECTION

WAC 388-145-1905 What residents are admitted to a secure CRC? (1) Secure CRCs provide emergency, temporary residence to youth ages twelve through seventeen who meet one of the following criteria:

(a) Youth ordered by the court to be placed for contempt on CHINS, ARP, or truancy orders. These youth may be ordered into a secure CRC that is co-located with a detention facility; or

(b) Youth placed by law enforcement officers who are runaways, are in dangerous situations or are in violation of curfew.

NEW SECTION

WAC 388-145-1910 What are the ratio requirements of staff to youth in crisis residential centers? (1) **Semi-secure CRCs**

(a) At all times, you must have at least one direct care staff on duty and must maintain a staffing ratio of one staff for every four youth in care when youth are present.

(b) During waking hours of youth, you must have at least two awake direct care staff on duty when youth are present.

(c) During sleeping hours of youth, at least one of your staff must be awake. One or more additional (back-up) staff must be on the premises during sleeping hours to maintain staffing ratios. Under extraordinary circumstances, the DLR director may approve an alternative back-up plan.

(2) Secure CRCs

(a) At all times (including sleeping hours), you must have at least two staff on duty when youth are present.

(b) At all times, secure crisis residential centers not co-located with a detention center must have at least one youth care staff on duty for every three youth in care.

(c) At all times, secure crisis residential centers that are located in the same facility as a detention center must have at least one awake youth care staff on duty for every four youth in care.

NEW SECTION

WAC 388-145-1915 What are the requirements for secure CRCs? (1) Secure CRCs must meet each of these requirements:

(a) Be a free-standing facility, separate unit, or separate building within a campus;

(b) Maintain a recreation area as outlined in WAC 388-145-1570 and 388-145-1575.

NEW SECTION

WAC 388-145-1920 What are additional physical requirements for secure CRCs? (1) Your secure CRC must ensure that no youth is kept in a locked room that isolates the youth from the general population or staff.

(2) You must also limit exit by one of the following methods:

(a) Have windows and doors that allow exit, but have a non-scalable perimeter fence around the facility property. This fence shall be designed to not cause injury, avoiding use of electrification, razor wire or concertina wire; or

(b) Have egress-control devices which meet or exceed current state building codes for facilities with special egress-controlled devices (rather than locking windows and doors or a perimeter fence), that prevent unauthorized exit.

NEW SECTION

WAC 388-145-1925 May a juvenile detention center operate as a separate secure CRC program? (1) A juvenile detention center may operate a separate secure crisis residential center (CRC) program. The physical facility must be operated so that no direct communication or physical contact can be made between a resident of the secure crisis residential center and a person held in the detention facility.

(2) Staff assigned to the secure crisis residential center youth must not be simultaneously assigned to the juvenile detention center residents on the same shift.

NEW SECTION

WAC 388-145-1930 What steps must be taken after a youth is admitted into any CRC? (1) You must notify the parents of the youth who has been admitted to the CRC if the youth is not under the care and authority of the department. If you are unable to contact the youth's parents within forty-eight hours, you must:

(a) Contact the department and request that the case be reviewed for dependency filing under chapter 13.34 RCW or "child in need of services" filing under chapter 13.32A RCW; and

(b) Document this information in the youth's case file.

(2) You must notify CA intake of the youth's admission to the CRC within twenty-four hours of admission.

(3) If you decide that a youth is unlikely to stay in a regular facility, you must make reasonable efforts to transfer the youth to a secure facility.

NEW SECTION

WAC 388-145-1935 What additional steps must be taken after a youth is admitted into a secure CRC? (1) You must make an assessment of the youth's risk of running, within the first twenty-four hours after admitting a youth to a secure crisis residential center, and each twenty-four hours thereafter.

(2) You must determine what type of CRC, (semi-secure or secure,) would be best for the youth.

(3) You must use the following criteria in making the decision, considering the safety, health and welfare of the youth and others:

(a) The youth's age and maturity;

(b) The youth's physical, mental, and emotional condition upon arrival at the center;

(c) The circumstances that led to the youth's placement at the facility;

(d) The youth's behavior;

(e) The youth's history of running away;

(f) The youth's willingness to cooperate in conducting the assessment;

(g) The youth's need for continued assessment, protection, and intervention services in a CRC; and

(h) The likelihood the youth will remain at a CRC.

(4) You must put the decision about the youth's status in writing in the youth's file.

(5) By the first school day after admission, the crisis residential center staff must:

(a) Notify the youth's school district about the youth's placement; and

(b) Assess the youth for any educational needs as a part of the assessment process for inclusion in the discharge summary.

NEW SECTION

WAC 388-145-1940 How long may a youth stay in a CRC? (1) Youth may stay in a semi-secure CRC or a secure CRC not located in a detention center, for no longer than fifteen consecutive days, including Saturdays, Sundays and holidays.

(2) Youth admitted to a secure CRC located in a juvenile detention center must remain in the facility for at least twenty-four hours after admission but for no more than five consecutive days per admission, including Saturdays, Sundays and holidays.

(3) If a youth has been transferred between secure and semi-secure Crisis Residential Centers, the total number of consecutive days spent in a secure CRC located in a detention facility may not exceed five days and the total number of consecutive days spent in all Crisis Residential Centers may not exceed fifteen days per admission.

NEW SECTION

WAC 388-145-1945 What happens when no space exists in a secure CRC? (1) If space is not available in a secure crisis residential center (CRC), you or your designee may transfer a different youth from that facility to a semi-secure CRC as long as the youth:

- (a) Has been in the secure facility for at least twenty-four hours; and
- (b) Is considered likely to remain at a semi-secure CRC facility.

NEW SECTION

WAC 388-145-1950 How is a youth transferred from one type of CRC to another? (1) After deciding that a youth needs to be transferred from one type of CRC to another, you must take the following steps:

- (a) Obtain the department's agreement with the transfer decision;
 - (b) Communicate with the CRC where the youth is being relocated;
 - (c) Make sure that space for the youth is available to support the transfer;
 - (d) Assure mutual agreement with the transfer decision; and
 - (e) Document all communication related to the transfer into the youth's file.
- (2) You must also establish and maintain transfer procedures.

NEW SECTION

WAC 388-145-1955 What intervention services must I provide or arrange for at a CRC? (1) You must provide a safe environment that supports the reduction of high-risk behaviors and an increase of stable behaviors of the youth.

- (2) You must also provide or arrange, at a minimum, the following services:
- (a) Assessment of the family in order to develop a treatment plan for the youth;
 - (b) Family counseling focused on communication skills development and problem solving;
 - (c) Individual and/or group counseling;
 - (d) School participation;
 - (e) Safety and transition plans to address the youth's high-risk behaviors; and
 - (f) Referrals to transition the family to community-based support services.
- (3) Intervention services must be documented, in writing, in the youth's case record.

NEW SECTION

WAC 388-145-1960 What additional record keeping is required for all CRCs? (1) In addition to meeting the reporting requirements listed in WAC 388-145-1535 through WAC 388-145-1550, you must also maintain for a minimum of six years, the following:

- (a) Hourly logs of where the child is physically located;
- (b) Records of a multi-disciplinary team, if convened;

- (c) The time and date a placement is made;
- (d) The names of the person and agency making the placement; and
- (e) Reasons for the placement.

(2) If the child has a DCFS worker, you must send the DCFS worker the following information within seven days of the child's discharge. The information must include a written summary that addresses the following:

- (a) Community-based referrals;
- (b) Assessment information on the family and child;
- (c) Family reconciliation attempts;
- (d) Contacts with families and professionals involved;
- (e) Medical and health related issues; and
- (f) Any other concerns, such as legal issues and school problems.

NEW SECTION

WAC 388-145-1965 What is the purpose of a CRC multidisciplinary team? (1) The purpose of the multidisciplinary team is to evaluate the youth and the youth's family and when agreed to by the family, assist with any of the following services:

- (a) Developing a plan for accessing available social and health-related services;
- (b) Obtaining referrals to a chemical dependency specialist and/or county-designated mental health professional;
- (c) Recommending no further intervention because the youth and family have worked out the problems that were causing family conflicts; and

(d) Reconciling the youth and family.

(2) Members of multidisciplinary teams may include:

- (a) Educators;
- (b) Law enforcement personnel;
- (c) Court personnel;
- (d) Family therapists or mental health providers;
- (e) Chemical dependency treatment providers;
- (f) Licensed health care practitioners;
- (g) Social service providers;
- (h) Youth residential placement providers;
- (i) Other family members;
- (j) Faith-based representatives; and
- (k) Members of the family's community.

(3) A CRC must have multidisciplinary teams available as a service to youth and their families, if they request the service.

NEW SECTION

WAC 388-145-1970 When should I convene a CRC multidisciplinary team? (1) After a youth is admitted into a CRC, you must advise the parent or guardian and the youth of their rights to request a multidisciplinary team, and make arrangements to convene that team.

(2) You may set up a multidisciplinary team when you believe that the youth is a "child in need of services" under RCW 13.32A.030 and the parent is unavailable or unwilling to continue efforts to maintain the family structure.

NEW SECTION

WAC 388-145-1975 How is a CRC multidisciplinary team convened? (1) You must notify the members of the multidisciplinary team of the need to convene and you must:

(a) Tell the youth's parents or guardians about the multidisciplinary team if the parents did not make the initial request to form a team;

(b) Advise the parents of their right to select additional members; and

(c) Assist in getting prompt involvement of additional persons that the parent or youth have requested to be added to the multidisciplinary team.

NEW SECTION

WAC 388-145-1980 May a parent disband the CRC multidisciplinary team? (1) Parents may disband the multidisciplinary team:

(a) Unless a dependency petition has been filed (under RCW 13.32A.140); or

(b) After a dispositional hearing has taken place ordering out-of-home placement for the youth.

(2) You must advise the parents of their right to disband the multidisciplinary team within twenty-four hours after they receive notice of the team forming, excluding weekends and holidays.

Day Treatment ProgramsNEW SECTION

WAC 388-145-1985 Who is eligible to attend my day treatment program? (1) Day treatment is for children who are unable to adjust to school programs due to disruptive behavior, family stress, learning disabilities or other serious emotional disabilities; and/or

(2) Have intensive needs, which cannot be adequately met through out-patient community mental health services.

NEW SECTION

WAC 388-145-1990 What are the required ratios of staff to children in day treatment centers? (1) There must be one counselor or teacher for every six children in a day treatment program; and

(2) Either the executive director or on-site program manager must be on the premises while the children are in care.

(3) Another competent person may be left in charge during the director's and/or program manager's temporary absence (two hours or less).

NEW SECTION

WAC 388-145-1995 What consultants must I use for my day treatment program? (1) You must use consultants, including psychiatrists, psychologists, teachers, and group counselors, for children under care as follows:

(a) Receive regular consultation from a child psychiatrist; and

(b) Provide or arrange for a psychologist for psychological testing and related services if the child's school does not provide these services.

(c) Provide or arrange for teaching by certified teachers qualified by training or experience in remedial education; and

(d) Use group counselors who are qualified by training or by experience in the care of emotionally disturbed children.

Emergency Respite Centers (ERC - Crisis Nurseries)NEW SECTION

WAC 388-145-2000 Can my emergency respite center have more than one type of license? If you are licensed by the Division of Licensed Resources (DLR) as an emergency respite center you may also be licensed as a child care center by the Department of Early Learning (DEL). You must meet the requirements for both licenses and have written approval for both licenses from DLR and DEL.

NEW SECTION

WAC 388-145-2005 What are the required ratios of staff to children in an ERC? (1) At all times, emergency respite centers must have the following minimum staffing ratios:

(a) At least two staff on duty when children are present; and

(b) One direct care staff providing visual or auditory supervision for every four children in care.

(2) The director, program manager, or case manager at an emergency respite center must normally be on the premises during daytime hours when children are in care.

(3) If temporarily absent (for two hours or less) from the center, the director and program manager must leave a competent, designated staff person in charge. This person must meet the qualifications of a direct care staff person.

(4) During evening, overnight, and weekend shifts, at least one of the staff on the premises must be a direct care worker when children are present. The other staff may be an assistant. The director, program manager, or case manager must be on-call and able to respond by telephone within fifteen minutes.

NEW SECTION

WAC 388-145-2010 Who are the residents served at my emergency respite center? (1) An emergency respite center may provide care for:

(a) Children from birth through seventeen years; and

(b) Persons eighteen through twenty years of age when the person has intellectual and developmental disabilities and admitted with a sibling who is under eighteen.

NEW SECTION

WAC 388-145-2015 Who may place children at my emergency respite center? A parent or legal guardian of a child may voluntarily place a child in an emergency respite

center to prevent abuse and neglect for up to seventy-two hours.

NEW SECTION

WAC 388-145-2020 What information must I obtain before accepting a child for care at my emergency respite center? (1) Before accepting a child for care at an emergency respite center you must obtain the following:

(a) Permission from the child's parent or guardian authorizing placement and emergency medical care or surgery on behalf of the child;

(b) Basic family information, including address, telephone numbers, and emergency contacts; and

(c) Basic medical information, including current medication, known allergies, and at-risk behaviors of the child.

NEW SECTION

WAC 388-145-2025 May services I provide at my emergency respite center substitute for other types of care? (1) The services provided by an emergency respite center may not substitute for those provided by:

(a) Crisis residential centers;

(b) HOPE centers; or

(c) Any other services required under chapter 13.32A (family reconciliation services) RCW or chapter 13.34 RCW (Juvenile court act).

NEW SECTION

WAC 388-145-2030 Are there additional bed requirements at my emergency respite center? (1) If a cot is used as a bed you must ensure the child's cot is:

(a) Sufficient in length and width, constructed to provide adequate comfort for the child to sleep; and

(b) Is made of material that can be cleaned with a detergent solution, disinfected, and allowed to dry.

Group Homes

NEW SECTION

WAC 388-145-2035 What are the required ratios of staff to children in group homes? You must have at least one direct care staff on site while children are present for every eight children in your group home. If you have both a license and a contract for services, you must adhere to the most stringent staffing ratios.

Group Receiving Centers (GRC)

NEW SECTION

WAC 388-145-2040 Who are the residents at my group receiving center? (1) You are limited to one of the following age groups:

(a) Age two through five;

(b) Six through twelve; or

(c) Thirteen through seventeen.

(2) With a DLR approved safety plan you may be licensed for more than one age group. This might include being licensed for children less than two years of age to accommodate sibling groups.

(3) If you provide care for children under age six and another age group, you may allow common activities for the children of different age groups.

NEW SECTION

WAC 388-145-2045 What are the required ratios of staff to children in group receiving centers? (1) The department has the following specific requirements for the ratio of direct care staff to children at group receiving centers:

(a) At least two staff, including at least one direct care staff person, must be on site whenever children are on the premises; and

(b) If you have at least one child under the age of six in placement, the ratio for a group receiving center is at least one direct care staff person on site during waking and sleeping hours, for every four children.

(2) The ratio for a group receiving center is at least one direct care staff person on site during waking and sleeping hours, for every six children, age six years and older. If your group receiving center is approved for more than one age group, you must maintain the staffing ratio designated for the youngest child in the group.

NEW SECTION

WAC 388-145-2050 When do I accept placements at my group receiving center? A group receiving center must accept placements twenty-four hours a day, seven days a week.

NEW SECTION

WAC 388-145-2055 What services must I provide at my group receiving center? (1) A group receiving center must provide direct receiving care and assessment of a child in terms of his or her physical, mental, social, and emotional condition.

(2) A group receiving center may provide transportation and/or family support services, such as the supervision of family visits.

(3) You must arrange or provide transportation for each school-age child in care to attend school.

NEW SECTION

WAC 388-145-2060 What are the requirements for supervision of children at my group receiving center? (1) Children must be within visual or auditory range at all times during waking hours.

(2) You must ensure that staff providing direct care and supervision of the children are free of other administrative duties at the time of care.

(3) When a child is known to have exhibited behavior that poses a safety risk to other children, you must develop a safety and supervision plan with the child's DSHS worker to address the risk.

Programs for Medically Fragile Children

NEW SECTION

WAC 388-145-2065 What services must I provide for medically fragile children? (1) Your licensed group home or staffed residential facility may also provide specialized care, to medically fragile children who need intensive personal care. The children may require skilled health care, physical therapy, or other forms of therapy.

(2) If you are serving this population as a specialty, you must ensure the following services are provided, if prescribed by a physician:

(a) An individualized treatment plan suited to the unique needs of each child in care;

(b) Care by physicians, including surgeons, general and family practitioners, and specialists in the child's particular diagnosis on either a referral, consultative, or ongoing treatment basis;

(c) Sufficient nursing staff to meet the nursing care needs of the children, including at least one registered nurse licensed with the state of Washington;

(d) Regular nursing consultation that includes at least one weekly on-site visit by a registered nurse, who initially assesses each child and updates the assessments as needed on subsequent visits. These assessments and updates must be documented. You must also keep records of the weekly on-site visits;

(e) Your nursing consultant must advise you and your staff on your infant care program (if appropriate), and develop a written agreement with you about your child health program. The consultant must also advise and assist non-medical staff at your facility in maintaining child health records, meeting daily health needs and caring for children with minor illnesses and injuries;

(f) The nurse's name and telephone number must be posted or otherwise available in your home or facility;

(g) If you care for four or more infants, you must arrange for monthly on-site visits with a registered nurse that is trained or experienced in the care of young children; and

(h) If you care for children with intellectual and developmental disabilities requiring nursing services, you must have a registered nurse on staff or under contract.

NEW SECTION

WAC 388-145-2070 What record keeping requirements exist for medically fragile children? (1) In addition to meeting standard requirements for keeping records per WAC 388-145-1520 and 388-145-1525, you must also keep the following information for medically fragile children that have been in placement for more than thirty days in your facility:

(a) Report of a physical examination and diagnosis by a physician and information about the child's daily care including treatment plans, medications, observations, medical examinations, physicians' orders, proper treatment for allergic reactions, consent authorizations, releases, diagnostic reports, and revisions of assessments;

(b) Upon discharge, a summary including diagnoses, treatments, and prognosis by the person responsible for providing care, and any instructions and referrals for continuity of care; and

(c) Evidence of meeting criteria for eligibility for services from the developmental disabilities administration, if appropriate.

NEW SECTION

WAC 388-145-2075 What are additional food requirements if I care for medically fragile children? You must follow the dietary plan for each child as prescribed by the child's physician. You must use the services of a dietitian who meets current registration requirements of the American dietetic association if offering modified diets. You must document in the child's file that staff are following the physician's order.

Overnight Youth Shelters (OYS)

NEW SECTION

WAC 388-145-2080 What age groups may I serve in my overnight youth shelter? Youth shelters may be licensed to provide care for youth from thirteen through seventeen years of age or youth sixteen through twenty years of age.

NEW SECTION

WAC 388-145-2085 How are youth admitted to my overnight youth shelter? (1) Youth are self-referred to overnight youth shelters.

(2) Foster parents may not place foster children in an overnight youth shelter.

NEW SECTION

WAC 388-145-2090 What are the required ratios of staff to children under care in overnight youth shelters?

(1) An OYS licensed for youth who are thirteen through seventeen years old must have one staff person to every eight youth.

(2) An OYS licensed for youth who are sixteen through twenty years old must have one staff person to every six youth.

(3) An OYS must maintain the staffing ratio while youth are asleep. At least one staff must remain awake while youth are asleep. Other staff may be asleep, but must be available in the shelter in case of emergency.

(4) Whenever only one staff is required to be on duty, a second staff person must be on call and available to respond within thirty minutes.

NEW SECTION

WAC 388-145-2095 What steps must I take when a youth first enters an overnight youth shelter? (1) When a youth first enters an overnight youth shelter, you must:

(a) Determine whether the parents are aware of the whereabouts of the youth;

(b) Follow reporting requirements in WAC 388-145-1545; and

(c) Notify the police or children's administration intake (either the local CPS number or toll-free 1-886-ENDHARM) of any youth twelve years of age or younger who is unaccompanied by an adult and is requesting service, and you are unable to serve the child due to his or her age.

NEW SECTION

WAC 388-145-2100 What services must be offered at an overnight youth shelter? (1) At a minimum, all overnight youth shelters must offer an intake assessment on the youth including:

- (a) Emergency contacts (phone numbers);
 - (b) Areas of possible problems, such as medical problems, family situation and suicide evaluation;
 - (c) History of assault or predatory behavior; and
 - (d) Drug and/or alcohol involvement.
- (2) You must also assess the youth's:
- (a) Outstanding warrants;
 - (b) Physical and medical needs, including medication;
 - (c) School status;
 - (d) Immediate needs for counseling; and
 - (e) Options for the near future.
- (3) You must also offer a youth the following:
- (a) Individual crisis intervention;
 - (b) Assistance in accessing emergency resources, including child protective services (CPS) and emergency medical services;
 - (c) Resource information;
 - (d) Educational or vocational services;
 - (e) Housing information;
 - (f) Medical care or services;
 - (g) Substance abuse services;
 - (h) Mental health services;
 - (i) Information regarding other treatment agencies;
 - (j) Food programs;
 - (k) Disability services; and
 - (l) Other DSHS services.
- (4) If the overnight youth shelter cannot directly provide these services, staff must have information for referrals to programs or organizations that would provide these services to youth.

NEW SECTION

WAC 388-145-2105 What are the additional requirements for bedrooms in overnight youth shelters? (1) In overnight youth shelters:

- (a) The number of beds allowed at an overnight youth shelter or emergency respite center is established in consultation with the department of health for each facility. Youth of different genders may share common sleeping areas if a visual barrier at least five feet high separates the youth; and
- (b) Youth less than eighteen years old must be separated from youth eighteen through twenty years old by having a staff or volunteer supervise open space or have a physical barrier to prevent contact.

NEW SECTION

WAC 388-145-2110 What are additional bedding requirements in my overnight youth shelter? The shelter must accept the use of sleeping and bedding equipment that is personally provided by the youth, if it is not a health or safety risk.

NEW SECTION

WAC 388-145-2115 Do I need a citizens' board for my overnight youth shelter? (1) Every overnight youth shelter must have a citizens' board that complies with laws and rules for nonprofit boards of directors. If the overnight youth shelter is part of a larger agency that has a citizens' board, that board will suffice.

- (2) The shelter director must keep the following on file:
 - (a) A list of all members of the current citizens' board; and
 - (b) A copy of the articles of incorporation filed with the secretary of state verifying nonprofit status.

Pregnant and Parenting Youth Programs and Maternity Services

NEW SECTION

WAC 388-145-2120 What services shall be provided to pregnant and parenting youth? (1) Residential programs provide twenty-four hour care to expectant mothers and to new mothers with infants. Your licensed group home or staffed residential facility may provide this specialized care.

- (2) You must provide or arrange for the following services:
 - (a) Information and referral services to every youth;
 - (b) Safe and stable housing;
 - (c) An assessment of the family's need(s);
 - (d) Referral to an authorized medical care provider for prenatal and postnatal medical care;
 - (e) Case management services; and
 - (f) The provision of direct services or referrals to available needed services. This includes consultation regarding prenatal care by specialists meeting their full professional qualifications when the physician requests prenatal care.
- (3) You must also provide individual or group counseling sessions, if necessary, about the following topics:
 - (a) Pregnancy counseling;
 - (b) Independent living education;
 - (c) Infant and child care training;
 - (d) Living arrangements;
 - (e) Medical care planning;
 - (f) Legal issues;
 - (g) Vocational or educational guidance;
 - (h) Plans for the child;
 - (i) Financial, emotional or psychological problems;
 - (j) Relations with the child's other parent;
 - (k) Home management and consumer education;
 - (l) An expectant mother's delivery in a licensed hospital or licensed birthing facility;
 - (m) Postpartum medical examinations, as prescribed by a physician, to a new mother;

- (n) Childcare, as needed; and
- (o) Case management services.
- (4) You must provide or arrange for consultation regarding prenatal care by specialists meeting their full professional qualifications when the physician requests prenatal care.
- (5) You must provide or assist a parent in arranging for licensed childcare when appropriate.

NEW SECTION

WAC 388-145-2125 How are services for pregnant and parenting youth delivered? (1) The department must approve the program of daily activities that you've developed for pregnant and parenting youth.

- (2) Provision of services must not be contingent upon a parent's decision to keep or relinquish a child.
- (3) If you do not directly provide pregnant and parenting youth services in your facility, you must either:
 - (a) Arrange for these services through formal agreements with other community agencies; or
 - (b) Assist the clients in your program to get these services.

NEW SECTION

WAC 388-145-2130 What types of health education must a facility offer to pregnant and parenting mothers?

- (1) You need to offer or arrange health education for pregnant and parenting mothers that includes the following areas:
- (a) Hygiene;
 - (b) Suitable preparation for childbirth;
 - (c) The physiological changes during pregnancy;
 - (d) Examinations and childbirth procedures;
 - (e) Postnatal and pediatric care;
 - (f) Contraception and family planning;
 - (g) Nutritional requirements for mother and child;
 - (h) Child health and development; and
 - (i) Psychological and emotional changes during and after pregnancy.

NEW SECTION

WAC 388-145-2135 How is capacity determined for a facility that provides services to pregnant and parenting youth? (1) We count the number of parents and children in determining capacity.

- (2) The space required for a parent and infant bedroom needs to be considered when determining the capacity of a group care facility providing pregnant and parenting youth services. This is determined by a department of health (DOH) representative.

NEW SECTION

WAC 388-145-2140 What are the required ratios of staff to children in pregnant and parenting youth programs and programs providing maternity services? (1) The minimum ratio of case management staff to youth for pregnant and parenting teen programs is one staff person to fifteen teens.

- (2) When youth are on the premises, the ratio of staff to residents must be as follows:

- (a) At least one residential staff member must be on duty for every eight parents.
- (b) When more than eight parents are on the premises, at least two staff, including at least one direct care staff must be on duty.

NEW SECTION

WAC 388-145-2145 What are the facility and room requirements for programs offering services for pregnant and parenting youth? (1) If you have a residential program for pregnant and parenting youth with infants, you must meet the room requirements for group care facilities per WAC 388-145-1600 through 388-145-1605.

- (2) If your facility offers medical clinics, you must have a separate, adequately equipped examination room with adequate nursing equipment.

Resource and Assessment Centers (RAC)NEW SECTION

WAC 388-145-2150 What is the purpose of a resource and assessment center (RAC)? (1) The purpose of the resource and assessment center is to provide short-term emergency and crisis care for children who are:

- (a) Removed from their parent's or guardian's care due to suspected abuse or neglect; and
- (b) In immediate need of health care or social services.
- (2) Services provided by a center may not substitute for a crisis residential center, Hope center, or any other services required under chapter 13.32A, Family reconciliation services, or 13.34 RCW, Child welfare.

NEW SECTION

WAC 388-145-2155 What must I demonstrate to be licensed for an RAC? (1) In accordance with RCW 74.15.-311, you must meet the following requirements:

- (a) There is a need in the local community for a RAC;
- (b) Be primarily staffed with trained volunteers in order to meet staffing requirements; and
- (c) You are not financially dependent upon reimbursement from the state;

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 388-145-2160 What is the ratio of direct care staff/volunteers to children at an RAC? (1) At all times, resource and assessment centers must have the following minimum staffing ratios:

- (a) At least two staff/volunteers on duty when children are present; and
- (b) One staff/volunteer providing visual or auditory supervision for every four children in care.

NEW SECTION

WAC 388-145-2165 Who are the residents at my RAC? A resource and assessment center is licensed to provide care for children ages birth through twelve, or for children ages thirteen through seventeen who are placed with a sibling(s) under thirteen years of age.

NEW SECTION

WAC 388-145-2170 How long can a child stay at an RAC? Children may be admitted to the resource and assessment center for up to seventy-two hours not including Saturdays, Sundays and holidays.

NEW SECTION

WAC 388-145-2175 When am I required to be available for services? You or a designated staff must be available by phone at all times when you are receiving new placements. Your resource and assessment center may limit days and times of operation, but if you accept placement of a child, you must be operational until that child is discharged. Resource and assessment centers are not required to be operational at times during which there are no children in care.

NEW SECTION

WAC 388-145-2180 Who may place children at an RAC? A DCFS worker may place a child in a resource and assessment center. These centers may not be used to address placement disruptions for children being removed from a foster home or group care facility.

NEW SECTION

WAC 388-145-2185 What services are provided or arranged for at an RAC? (1) A resource and assessment center may provide the following:

- (a) Direct care of children and youth;
- (b) Referral and provision of health care assessments or screening;
- (c) Appropriate community service referrals, as needed; and/or
- (d) Initial assessment of child functioning.

Staffed Residential Homes (SRH)NEW SECTION

WAC 388-145-2190 How many children may be served in my staffed residential home? (1) The department may license a staffed residential home for six or fewer children. This must include the children of youth in care, as well as other children living in the facility who are not in care. The maximum number of children in your staffed residential home must not exceed six at any time to include youth eighteen or older enrolled in the Extended Foster Care program.

(2) The department may restrict the number of children in a staffed residential home according to the age and needs of the children.

(3) Except for programs for pregnant and parenting youth, you may have only two children under two years of age in your facility at a time.

(4) You must only be licensed for a maximum of three pregnant and parenting youth.

(5) The department may license a staffed residential home for up to three children with mental or physical disabilities that are severe enough to require nursing care if you meet the following conditions:

(a) You provide staff that are qualified by training and experience to provide proper care, including necessary medical procedures; and

(b) The children's treatment is under the supervision of a physician.

NEW SECTION

WAC 388-145-2195 What are the required ratios of staff to children under care in an SRH? (1) You must have at least one direct care staff for every six children during waking hours for the children placed in your home.

(2) During sleeping hours at least one staff person must be awake when:

(a) There is a written supervision agreement or a contract with the department specifying an awake staff is needed for either the program or a specific child; or

(b) A youth's behavior poses a safety risk to self and/or others; or

(c) A child's medical condition requires constant monitoring.

(3) The need for overnight supervision must be documented in each child's treatment plan, if awake supervision is necessary.

(4) When only one direct care staff is on duty, a second person must be on-call and available to respond within thirty minutes.

(5) You must have relief staff so that all staff can have the equivalent of two days off a week. This is not required for family members if the staffed residential home is a family residence.

NEW SECTION

WAC 388-145-2200 Who is eligible to manage my staffed residential home? A staffed residential home may be managed by a family residing in the facility or by staff hired to work in the facility.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-145-0010 What is the purpose of this chapter?

WAC 388-145-0020 What definitions apply to this chapter?

WAC 388-145-0030 What is an emergency respite center?

WAC 388-145-0040 What services may be provided or arranged for by the emergency respite center?

- WAC 388-145-0050 Are there services an emergency respite center may not provide?
- WAC 388-145-0060 What age children may a center serve?
- WAC 388-145-0070 Who may place children at a center?
- WAC 388-145-0080 Is a license required?
- WAC 388-145-0090 How old do I have to be to apply for a license?
- WAC 388-145-0100 What personal characteristics must a person have to provide care to children at a center?
- WAC 388-145-0110 What personal information may I be required to provide to be licensed?
- WAC 388-145-0120 How do I apply for a license?
- WAC 388-145-0130 What is required to document completed background checks on staff?
- WAC 388-145-0140 What first aid and cardiopulmonary resuscitation (CPR) training is required?
- WAC 388-145-0150 What HIV/AIDS and bloodborne pathogens training is required?
- WAC 388-145-0160 How long do I have to complete the licensing application packet?
- WAC 388-145-0170 Does the department need to approve the program I offer?
- WAC 388-145-0180 May a facility have more than one type of license?
- WAC 388-145-0190 What hours may a center be open?
- WAC 388-145-0200 How does the department decide how many children a center may serve?
- WAC 388-145-0210 Will the department grant exceptions to the licensing requirements?
- WAC 388-145-0220 Does the department issue probationary licenses?
- WAC 388-145-0230 When is a license denied, suspended or revoked?
- WAC 388-145-0240 Are there any other reasons that could potentially cause me to lose my license?
- WAC 388-145-0250 What happens when a licensor is notified that a licensee has received a non-compliance support order from the division of child support?
- WAC 388-145-0260 How will the department notify me if my license is denied, suspended, or revoked?
- WAC 388-145-0270 What may I do if I disagree with the department's decision to deny, suspend or revoke my license?
- WAC 388-145-0280 Where do I post my license?
- WAC 388-145-0290 What changes to my center must I report to my licensor?
- WAC 388-145-0300 Must I comply with the requirements of the Washington state patrol fire protection bureau to receive a license?
- WAC 388-145-0310 Do I need to notify the local fire department of the location of my center?
- WAC 388-145-0320 Are local ordinances part of the licensing requirements?
- WAC 388-145-0330 Are there other fire safety requirements for inside a center?
- WAC 388-145-0340 What are the requirements for smoke detectors?
- WAC 388-145-0350 What are the requirements for a fire evacuation plan?
- WAC 388-145-0360 What fire prevention measures must I take?
- WAC 388-145-0370 What are the requirements for fire drills?
- WAC 388-145-0380 What fire safety procedures do center staff need to know?
- WAC 388-145-0390 What are the requirements for fire sprinkler systems?
- WAC 388-145-0400 Does an ERC need approval from the department of health to operate?
- WAC 388-145-0410 What are the physical structure safety requirements for a center?
- WAC 388-145-0420 What are the requirements for the location of a center?
- WAC 388-145-0430 What are the requirements for emergency aid vehicle access to my center?
- WAC 388-145-0440 What steps must I take to ensure children's safety around outdoor bodies of water?
- WAC 388-145-0450 What measures must I take for pest control?
- WAC 388-145-0460 What are the requirements regarding pets and animals at a center?
- WAC 388-145-0470 Are alcoholic beverages allowed at a center?
- WAC 388-145-0480 Is smoking permitted around children?
- WAC 388-145-0490 May I have firearms at a center?
- WAC 388-145-0500 May I use wheeled baby walkers?
- WAC 388-145-0510 Are there requirements for the storage of medications?
- WAC 388-145-0520 Are there requirements for storing dangerous chemicals or other substances?

- WAC 388-145-0530 Are first-aid supplies required?
- WAC 388-145-0540 What are the requirements for medical policies and procedures for a center?
- WAC 388-145-0550 Must all children accepted for care have current immunizations?
- WAC 388-145-0560 What must I do to prevent the spread of infections and communicable diseases?
- WAC 388-145-0570 How do I manage medications for children?
- WAC 388-145-0580 May I accept medicine from a child's parent or guardian?
- WAC 388-145-0590 When may children take their own medicine?
- WAC 388-145-0600 Are there general menu requirements?
- WAC 388-145-0610 How often must I feed children at a center?
- WAC 388-145-0620 How do I handle a child's special diet?
- WAC 388-145-0630 Do you have special requirements for serving milk?
- WAC 388-145-0640 What home canned foods may I use?
- WAC 388-145-0650 What requirements must I meet for feeding babies?
- WAC 388-145-0660 Are there room requirements?
- WAC 388-145-0670 What does the room temperature at a center need to be?
- WAC 388-145-0680 What are the kitchen requirements?
- WAC 388-145-0690 May I use the kitchen for activities for children?
- WAC 388-145-0700 May a room be used for more than one purpose?
- WAC 388-145-0710 What are the general requirements for bedrooms?
- WAC 388-145-0720 What are the requirements for beds?
- WAC 388-145-0730 Are there requirements for the use of cribs?
- WAC 388-145-0740 What are the requirements for diapers and diaper-changing areas?
- WAC 388-145-0750 What are the requirements for bathing facilities?
- WAC 388-145-0760 Do I need a telephone?
- WAC 388-145-0770 What are the lighting requirements?
- WAC 388-145-0780 What are the requirements for ventilation?
- WAC 388-145-0790 What are the requirements about drinking water?
- WAC 388-145-0800 What are the requirements for sewage and liquid wastes?
- WAC 388-145-0810 What are the requirements for laundry facilities?
- WAC 388-145-0820 What are the requirements for washing clothes?
- WAC 388-145-0830 Do I need a housekeeping sink?
- WAC 388-145-0840 What are the requirements for hand-washing sinks?
- WAC 388-145-0850 What are the requirements for toilets?
- WAC 388-145-0860 Must a center have toilet training equipment for children?
- WAC 388-145-0870 What are the requirements for indoor play areas?
- WAC 388-145-0880 What are the requirements for an outdoor play area?
- WAC 388-145-0890 What are the size requirements for an outdoor play area?
- WAC 388-145-0900 What are the requirements for playground equipment?
- WAC 388-145-0910 Are there requirements to follow when I transport children?
- WAC 388-145-0920 What does the department require for keeping client records?
- WAC 388-145-0930 What written information is needed before a child is admitted to a center?
- WAC 388-145-0940 What are the requirements for protecting a child under my care from abuse or neglect?
- WAC 388-145-0950 What are the nondiscrimination requirements?
- WAC 388-145-0960 Do I have to admit or retain all children at the center?
- WAC 388-145-0970 Do I have responsibility for a child's personal hygiene?
- WAC 388-145-0980 Do I have responsibility for a child's personal items at the center?
- WAC 388-145-0990 What requirements must I follow when disciplining children?
- WAC 388-145-1000 What types of disciplinary practices are forbidden?
- WAC 388-145-1010 Does the department require a written statement describing my discipline methods?
- WAC 388-145-1020 What types of physical restraint are acceptable?
- WAC 388-145-1030 What types of physical restraint are not acceptable for children?
- WAC 388-145-1040 What must I do following an incident that involved using physical restraint?

- WAC 388-145-1050 What incidents involving children must I report?
- WAC 388-145-1060 What is the ratio of child care staff to children at a center?
- WAC 388-145-1070 What are the requirements for supervision of children at a center?
- WAC 388-145-1080 What are the responsibilities of the director?
- WAC 388-145-1090 Are there general qualifications for all staff in an emergency respite center?
- WAC 388-145-1100 What are the minimum qualifications and training requirements for center staff?
- WAC 388-145-1110 May one person hold two positions at a center?
- WAC 388-145-1120 Who must be on the premises while children are in care at a center?
- WAC 388-145-1130 Are child care assistants allowed to provide care to a group of children without supervision?
- WAC 388-145-1140 Are volunteers allowed to provide child care to children without supervision?
- WAC 388-145-1150 Do volunteers count in the staff-to-child ratio respite center?
- WAC 388-145-1160 Are professional consultants and case managers needed?
- WAC 388-145-1170 What clerical, accounting and administrative services do I need?
- WAC 388-145-1180 What support and maintenance staff do I need?
- WAC 388-145-1190 Is in-service training required for staff?
- WAC 388-145-1200 What are the requirements for an activity program?
- WAC 388-145-1210 What activities must I provide to children?
- WAC 388-145-1220 What types of toys must I provide?

Chapter 388-147 WAC

LICENSING REQUIREMENTS FOR ((~~PREGNANT AND PARENTING TEEN PROGRAMS AND FACILITIES~~)) CHILD PLACING AGENCY AND ADOPTION SERVICES

Purpose and Definitions

NEW SECTION

WAC 388-147-1300 What is the purpose of this chapter? (1) This chapter contains licensing requirements for all

child-placing agencies and the people who operate these programs. This chapter also includes regulations for adoption services provided by child-placing agencies. These licensing regulations are designed to ensure children who are in care are safe, healthy and protected from all forms of child abuse and neglect according to RCW 26.44.020(1) and chapter 388-15 WAC.

(2) If you are a child-placing agency that certifies foster homes, the homes you certify must meet the full licensing requirements outlined in chapter 388-148 WAC, Child foster home licensing requirements.

NEW SECTION

WAC 388-147-1305 What definitions do I need to know to understand this chapter? The following words and terms are for the purpose of this chapter and are important to understanding these requirements:

"Abuse or neglect" means the injury, sexual abuse, sexual exploitation, negligent treatment or maltreatment of a child as defined in RCW 26.44.020.

"Adult" means a person eighteen years old or older, not in the care of the department.

"Agency" is defined in RCW 74.15.020(1).

"Assessment" means the appraisal or evaluation of a child's physical, mental, social and/or emotional condition.

"Business hours" means hours during the day in which business is commonly conducted. Typically the hours between 9 a.m. and 5 p.m. on weekdays are considered to be standard business hours.

"CA" means children's administration.

"Care provider" means any person who is licensed or authorized to provide care for children and/or cleared to have unsupervised access to children under the authority of a license.

"Case manager" means the private agency employee who coordinates the planning efforts of all the persons working on behalf of a child.

"Certification" means a licensed child-placing agency (CPA) review that a foster home being supervised by that CPA meets licensing regulations. The final decision for licensing is the responsibility of CA.

"Chapter" means chapter 388-147 WAC.

"Child", "children" or "youth" for this chapter, means a person who is one of the following:

- (1) Under eighteen years old;
- (2) Up to twenty-one years of age and pursuing a high school or equivalency course of study (GED/HSEC), or vocational program;
- (3) Up to twenty-one years of age and participating in the extended foster care program;
- (4) Up to twenty-one years of age with intellectual and developmental disabilities;
- (5) Up to twenty-one years of age and under the custody of the Washington state juvenile rehabilitation administration.

"Child-placing agency" or "(CPA)" means an agency licensed to place children for foster care or adoption.

"Compliance agreement" means a written improvement plan to address the changes needed to meet licensing requirements.

"DCFS" means the division of children and family services within children's administration. DCFS provides case management to children and families involved in the child welfare system.

"DDA" means the developmental disabilities administration.

"Department or DSHS" means the department of social and health services.

"Developmental disability" is a disability as defined in RCW 71A.10.020.

"DLR" means the division of licensed resources within children's administration. DLR licenses and monitors foster homes, child-placing agencies, and licensed group care facilities.

"FBI" means the Federal Bureau of Investigation.

"Foster home or foster family home" means a person(s) licensed to regularly provide twenty-four hour care in their home to children.

"Guns or weapons" means any device intended to shoot projectiles under pressure or that can be used to attack. These include but are not limited to BB guns, pellet guns, air rifles, stun guns, antique guns, handguns, rifles, shotguns and archery equipment.

"Health care staff" means anyone providing qualified medical consultation to your staff or medical care to the children and youth in your care.

"Hearing" means the administrative review process conducted by an administrative law judge.

"I, my, you, and your" refers to an applicant for a license issued under this chapter, and to any party holding a license under this chapter.

"Infant" means a child less than twelve months of age.

"Intellectual and developmental disability" means children with deficits in general mental abilities and impairment in everyday adaptive functioning.

"License" means a permit issued by us confirming that your agency meets the licensing standards established in this chapter.

"Licensed health care provider" means an MD (medical doctor), DO (doctor of osteopathy), ND (doctor of naturopathy), PA (physician's assistant), or an ARNP (advanced registered nurse practitioner).

"Licensor" means either:

(1) A DLR employee who recommends approvals for, or monitors licenses or certifications for facilities and agencies established under this chapter; or

(2) An employee of a child-placing agency who certifies or monitors foster homes supervised by the child-placing agency.

"Maternity service" as defined in RCW 74.15.020. These are also referred to as pregnant and parenting youth programs.

"Medically fragile" means the condition of a child who requires the availability of twenty-four hour skilled care from a health care professional or specially trained family or foster family member. These conditions may be present all the time or frequently occurring. If the technology, support and ser-

vices being received by the medically fragile children are interrupted or denied, the child may, without immediate health care intervention, experience death.

"Missing child" means any child less than eighteen years of age under the care and authority of CA and the child's whereabouts are unknown and/or the child has left care without the permission of the child's caregiver or CA. This does not include children in dependency guardianship.

"Non-ambulatory" means not able to walk or exit to safety without the physical assistance of another individual.

"Out-of-home placement" means a child's placement in a home or facility other than the child's parent, guardian, or legal custodian.

"Probationary license" means a license issued as part of a corrective action to an individual or agency that has previously been issued a full license but is out of compliance with minimum licensing requirements and has entered into an agreement aimed at correcting deficiencies.

"Property or premises" means a facility's buildings and adjoining grounds that are managed by a person or agency in charge.

"Relative" means a person who is related to a child as defined in RCW 74.15.020.

"Respite" means brief, temporary relief care provided by an in-home or out-of-home provider paid by the department. The respite provider fulfills some or all of the care provider responsibilities for a short time.

"Treatment plan" means individual plans that identify the service needs of the child, including the child's parent or guardian, and identifies the treatment goals and strategies for achieving those goals.

"Volunteer" means a person who provides services without compensation, for your agency.

"Washington state patrol fire protection bureau" or "WSP/FPB" means the state fire marshal.

"We, our, and us" refers to the department of social and health services, including DLR and DCFS staff.

"Young child" refers to a child age twelve months through eight years old.

Licensing Process

NEW SECTION

WAC 388-147-1310 Am I required to have a license to provide care to children? You must be licensed if you provide care on a twenty-four hour basis to a child who is not related to you. Exceptions to this rule are listed in RCW 74.15.020 or by order of the court under chapters 26.10 RCW or RCW 13.34.065.

NEW SECTION

WAC 388-147-1315 When will the department grant me a license? (1) We issue you a child-placing agency license when you, your staff and volunteers, property and premises meet the regulations contained in this chapter, and all required documents are in the licensing file.

(2) If you are providing Adoption services you must meet the additional requirements in WAC 388-147-1660 to 388-147-1730.

(3) If your licensed program is providing specialized services for medically fragile children, day treatment services, or maternity services for pregnant and parenting youth, you must meet additional requirements in chapter 388-145 WAC.

NEW SECTION

WAC 388-147-1320 How old do I have to be to apply for a license to provide care to children? You must be at least twenty-one years old to apply for a license to provide care to children.

NEW SECTION

WAC 388-147-1325 What is required to apply for a child-placing agency license? (1) You must submit a completed application which is available from the division of licensed resources; and

(2) You, your executive director, agency staff, consultants, interns, volunteers, and anyone who may have unsupervised access to children per chapter 388-06 WAC are required to:

- (a) Submit a completed background authorization form;
- (b) Complete an FBI fingerprint check if the individual over eighteen years of age has lived out of state during any portion of the previous three years; and
- (c) Ensure that no employee, volunteer or subcontractor has unsupervised access to children until a full and satisfactory background check is completed and documentation qualifying the individual for unsupervised access, has been returned to you. Your employees are allowed to work while awaiting fingerprint results, under the provisions of WAC 388-06-0500 through 388-06-0540.

NEW SECTION

WAC 388-147-1330 How does the department determine my suitability to become a licensed provider? (1) The department determines your suitability as a licensed provider after receiving your application, background authorization(s) for those listed in WAC 388-147-1325(2), and all required documentation outlined in this chapter.

(2) You, your employees and volunteers must not have had a license or contract denied or revoked from an agency that regulates the care of children or vulnerable adults, unless the department determines that you do not pose a risk to a child's safety, well-being and long term stability.

(3) You, your employees and volunteers must not have been found to have committed abuse or neglect of a child or vulnerable adult, unless the department determines that you do not pose a risk to a child's safety, well-being, and long-term stability.

(4) You must demonstrate that you, your employees and volunteers have:

- (a) The understanding, ability, physical health, emotional stability and personality suited to meet the physical, mental, emotional, cultural, and social needs of the children under your care; and
- (b) The ability to furnish children with a nurturing, respectful, and supportive environment.

(5) At any time, we may require you or your employees and volunteers to give additional information. We may also require an evaluation of your facility or property, or of a staff person working for your agency, by an evaluator recommended by us. Any evaluation requested by the department will be at your expense. You must give the evaluator written permission to share information with us prior to and throughout the evaluation process.

(6) Any employee, intern, or volunteer who is found to have misrepresented or provided fraudulent information may be disqualified.

(7) Before granting or renewing a license, your licensor will assess your ability to provide a safe environment for children and to provide the quality of care needed by children placed in your care. Your licensor will also determine that you meet training requirements.

NEW SECTION

WAC 388-147-1335 What additional steps must I complete prior to licensing? (1) You must submit to your licensor a detailed written program description for DLR approval. In the description you must outline:

- (a) Your mission and goals;
- (b) A description of the services you will provide to children and their families;
- (c) Your written policies covering qualifications, duties and on-going training for developing and upgrading staff skills; and
- (d) A description of your agency's policies and procedures.

(2) You must have a site inspection by your DLR licensor or someone designated by DLR who can verify that your premises have:

- (a) Adequate storage for staff and client files;
- (b) A working telephone;
- (c) Adequate space for privacy when interviewing parents and children;
- (d) Room or area used for administrative purposes;
- (e) Adequate space for visitation, if needed; and
- (f) Your license clearly posted (if inspection is for a renewal license).

(3) You and your staff are required to submit a negative tuberculosis test or an X-ray.

(a) We may grant an exception to this requirement, in consultation with a licensed health care provider.

(b) This exception would require a statement from a licensed health care provider (MD, DO, ND, PA or ARNP) indicating that a valid medical reason exists for not having a TB test.

NEW SECTION

WAC 388-147-1340 How long do I have to complete the licensing application process? (1) You must complete your licensing application and submit all DLR required documents within ninety days of submitting the application and background authorization forms to the department.

(2) If you do not meet this ninety-day deadline, your licensor may withdraw your application.

(3) As a courtesy, a renewal notification and renewal materials will be sent one hundred and twenty days prior to your license expiration date. If you do not receive this renewal notice it is your responsibility to contact your licensor.

(4) You must send the renewal application and all required background authorization forms to your licensor at least ninety days prior to the expiration of your current license.

NEW SECTION

WAC 388-147-1345 What are the roles of the department and the CPA? (1) We license CPAs, including tribal CPAs, to supervise foster homes. You are authorized to certify to the department that a foster home meets the licensing regulations contained in chapter 388-148 WAC.

(2) You have the discretion to certify or not to certify a foster home.

(3) You may, at your discretion, have additional regulations for a foster home to become and remain a licensed foster home under your supervision.

(4) The department has the final approval for licensing a foster home that you have certified.

NEW SECTION

WAC 388-147-1350 How must I certify a foster home for licensing by the department? (1) You must use applications, home study forms, and procedures that are approved by the department.

(2) A foster home must be certified by your child-placing agency as meeting the licensing requirements in chapter 388-148 WAC in order to be licensed by the department.

(3) A social service staff person must review and sign approval for the foster home licensing application packet before the application is submitted to DLR.

(4) The department has the final approval of licenses for a foster parent applicant.

NEW SECTION

WAC 388-147-1355 How long is my license valid? (1) Your license is issued for a three-year period.

(2) Your license is valid only for the person or organization named on the license and only for the specific address listed on the license.

(3) Your CPA license must be posted where the public can easily view it.

NEW SECTION

WAC 388-147-1360 Who shall have access to my agency? The department must have access to your agency, staff, foster homes, and the children in your care at any time. You must allow us to meet privately with staff or children in your care, at our request. We must also have access to the documents related to your program.

NEW SECTION

WAC 388-147-1365 Am I required to comply with local ordinances? You are responsible for following all local and state regulations such as zoning regulations, community covenants, local building codes and fire codes. The department may require you to provide proof that you are complying with these regulations.

NEW SECTION

WAC 388-147-1370 What happens when licensing requirements differ from contract requirements? You may hold a contract with the state in order to provide services, but if you provide services as a child-placing agency you must also meet the licensing requirements outlined in this chapter. When contract or other statutory requirements differ from licensing, you must meet the highest standard.

NEW SECTION

WAC 388-147-1375 May an agency be issued more than one type of license? (1) An agency may not be licensed by DLR for more than one type of license in the same building (A group care facility and a CPA for example), unless the department determines that care of one type of client does not interfere with the care of another type of client, and you have approval from the DLR administrator. We may require separation of client populations between the programs. You must meet the requirements for both licenses.

(2) If you have multiple licenses issued by different DSHS licensing agencies in the same location, you must obtain approval from DLR prior to providing services and accepting placements.

NEW SECTION

WAC 388-147-1380 What must be included in a home study completed by my agency? (1) The home study must include the following information:

- (a) The applicant's motivation to foster or adopt;
- (b) The family's plan for honoring the child's ethnic and cultural heritage;
- (c) The education or training needs for the special needs of children;
- (d) The applicant's need for support and description of current support system;
- (e) The applicant's life experiences and challenges;
- (f) The applicant's parenting skills, child discipline practices, and beliefs and attitudes on education;
- (g) The family life of the applicant(s);
- (h) The health of all family members;
- (i) The applicant's religious or spiritual beliefs;
- (j) The physical facility and premises of the property; and
- (k) The resources and financial history of the applicant(s).

NEW SECTION**WAC 388-147-1385 What children may I serve?** (1)

Foster homes that you certify as meeting our licensing requirements may accept children only from:

- (a) Your child-placing agency; or
- (b) A different child-placing agency or the department if there is an agreement written in advance between your child-placing agency and the other child-placing agency/department specifying the criteria and conditions for placement of the children. The written agreements must specify roles and responsibilities of each agency.

NEW SECTION**WAC 388-147-1390 How does the department decide which children will be placed in the homes I certify?** (1)

We are responsible for the safety and well-being of the children placed in our custody by parents or the court and will place children where we believe is in their best interest.

- (2) We specify the maximum number, age range, and gender of children in each home you certify. We will base this on the skills and number of caretakers, the physical accommodations of the foster home, and the needs of children placed in a foster home. Based on this evaluation, we may license a foster home for the care of fewer than the maximum number of children.

NEW SECTION

WAC 388-147-1395 Do I have to admit or retain all children? (1) You have the right to refuse to admit or retain a child in your program. The exceptions to this requirement are individual programs that have contracts that specify a child cannot be denied admission.

- (2) A joint decision may be made by the provider, the placement agency and us to serve the child elsewhere, for the health and safety of the child or others.

NEW SECTION

WAC 388-147-1400 What do I need to consider in making foster care placements? (1) In planning a foster care placement for a child, you must consider:

- (a) The child's basic right to their own home and family;
- (b) Proximity to the child's birth parents, extended family and other supports;
- (c) Each child's individual needs, including cultural, spiritual and religious background and family situation; and
- (d) The wishes and participation of each child's parent(s).

(2) Every foster care placement that you facilitate must be based on well-planned, individual preparation of the child and the child's family. In emergency situations, you may place a child in a foster home prior to preparing the child and the child's family.

(3) A child may be placed in foster care only with the written consent of the child's parent(s), or a protective custody order, or under another court order. This consent or order must include approval for emergency medical care or surgery.

NEW SECTION**WAC 388-147-1405 May I share information about the child with the foster parents?** (1) You must give foster

parents any information that may be shared about the child and the child's family. Sharing information about behavioral and emotional challenges is especially important. This helps foster parents make an informed decision about whether or not to accept a child in their home and provides for safety and supervision of the child(ren).

(2) You must inform the foster parents that this information is confidential and cannot be shared with persons who are not involved with the care of the child.

(3) You must document in the child's file that you have shared this information at the time of placement.

Rule Violations and Corrective ActionsNEW SECTION**WAC 388-147-1410 Will you license or continue to license me if I violate licensing regulations?** (1) We may

modify, deny, suspend or revoke your license when you, your employees or volunteers:

- (a) Do not meet the licensing regulations in this chapter; or
- (b) Have not been cleared for unsupervised access to children; or
- (c) Have been determined by us to have abused or neglected a child; or
- (d) Are unable to manage your property and financial responsibilities; or
- (e) Cannot provide for the safety, health and well-being of the child(ren) in your care; or
- (f) Do not meet the health and safety requirements of the department of health and/or the Washington state patrol fire protection bureau (WSPFP), if required.

(2) We may suspend or revoke your license if you have children in your certified homes for whom you are not licensed, without approval of your DLR licensor. This includes having more children, or children of different ages or gender than the license allows.

(3) We will send you a certified letter telling you of the decision to modify, deny, suspend or revoke your license. In the letter, we will also tell you what you need to do if you disagree with the decision.

(4) The department has jurisdiction over all licenses issued by DLR and over all holders of and applicants for licenses as provided in RCW 74.15.030(5). Such jurisdiction is retained even if an applicant requests to withdraw the application, or you surrender or fail to renew your license.

NEW SECTION**WAC 388-147-1415 Are there exceptions made if I do not meet the licensing regulations?** (1) We may make

exceptions and license or continue to license you if you do not meet the minimum licensing regulations if we find that you can provide for the safety, health and well-being of children in your care.

(2) In addition, we may limit or restrict your license and/or require you to enter into a compliance agreement to ensure the safety and well-being of the children in your care.

(3) You must keep a copy of the approved exception to the licensing regulations for your files.

(4) You do not have appeal rights if the department denies your request for an exception to the licensing regulations.

NEW SECTION

WAC 388-147-1420 Can employees, volunteers and subcontractors be disqualified from having access to the children in my agency? (1) The department must disqualify employees, volunteers or subcontractors if they do not meet the regulations of chapter 388-147 WAC or cannot have unsupervised access to children because of their background check as outlined in chapter 388-06 WAC.

(2) We will notify you if a person in your agency is disqualified from having unsupervised access to children. This could also lead to denial, suspension or revocation of your license.

NEW SECTION

WAC 388-147-1425 What can I do if I disagree with your decision to modify, deny, suspend or revoke my license, or to disqualify my background check? (1) You have the right to request an administrative hearing if you disagree with any of these actions. You must request this hearing within twenty-eight calendar days of receiving a certified letter with our decision (see chapter 34.05 RCW). To request a hearing you must send a letter to the office of administrative hearings, P.O. Box 42489, Olympia Washington 98504-2456, 1-800-583-8271. The letter must have the following:

(a) A specific statement why you disagree with our decision and any laws you believe are related to your claim; and

(b) A copy of the certified letter we sent to modify, revoke, suspend, or deny your license or to disqualify your background check.

NEW SECTION

WAC 388-147-1430 How do I appeal the decision of the office of administrative hearings' administrative law judge? (1) The decision of the administrative law judge is the final decision of the department unless you or the department files a petition for review with the DSHS board of appeals within twenty-one calendar days after the administrative law judge's decision is mailed to the parties.

(2) The procedure for requesting or responding to a petition for review with the board of appeals is described in WAC 388-02-0560 through WAC 388-02-0635.

(3) We will not appeal decisions made by the board of appeals.

(4) If you disagree with the board of appeals, you may file a petition in Superior Court and ask for further review (RCW 34.05.510 to 34.05.598).

NEW SECTION

WAC 388-147-1435 Can I be issued a probationary license? (1) We may issue a probationary license as part of a corrective action plan with you.

(2) We will consider the following when deciding whether a probationary license will be issued:

(a) An intentional or negligent violation of licensing regulations;

(b) A history of violation of licensing regulations;

(c) A current violation of licensing regulations;

(d) Whether you are making a good faith effort to comply; and

(e) Any other factors relevant to the specific situation.

(3) A probationary license may be issued for up to six months. At our discretion, we may extend the probationary license for an additional six months. You may not appeal our decision not to issue a probationary license.

Staff Qualifications and Requirements

NEW SECTION

WAC 388-147-1440 Who must I employ at my agency? (1) You must employ sufficient numbers of qualified staff to meet the physical, safety, health, and emotional needs of the children placed in your care, appropriate for their age and developmental level. Requirements for specific staff are detailed below.

(2) Employees and caregivers must:

(a) Demonstrate competency, good judgment, and self-control in the presence of children and when performing duties;

(b) Report suspected abuse, neglect, and exploitation to children's administration intake and to the designated administrator or supervisor;

(c) Know and comply with rules established in this chapter as well as all other applicable laws; and

(d) Comply with federal and state anti-discrimination laws related to personnel policies and procedures.

NEW SECTION

WAC 388-147-1445 What are the qualifications of an executive director or administrator? (1) You must have an executive director or administrator who is available telephonically during business hours and meets the qualification to:

(a) Manage the financial and administrative operations of the program;

(b) Comply with the licensing rules contained in this chapter providing for the health and safety of the children in your agency's care;

(c) Effectively communicate to the department the roles, expectations, and purposes of the program;

(d) Assume responsibility for safety of children in your agency; and

(e) Work with representatives of other agencies.

(2) An executive director or administrator must have:

(a) Appropriate education relevant to the specific program; and

(b) Four years of successful experience with similar duties and responsibilities for the administrative oversight, program and fiscal management of an agency.

NEW SECTION

WAC 388-147-1450 What are the qualifications of a program manager? (1) You must have a program manager available during business hours who meets the qualifications to:

(a) Coordinate the day-to-day operations of the program;
 (b) Supervise the case management and direct care staff;
 and

(c) Have the responsibility to ensure the completion of each child's plan of care and treatment, if applicable.

(2) A program manager must have education and experience as follows:

(a) A master's degree in social services or a closely related field from an accredited school and one year of experience working with children or youth; or

(b) A bachelor's degree in social services or a closely related field from an accredited school and two years of experience working with children or youth; or

(c) Five years of successful full-time experience in a relevant field.

(3) A program manager must also have supervisory abilities that promote effective staff performance, and relevant experience, training and demonstrated skills in each area that he or she will be supervising or managing.

NEW SECTION

WAC 388-147-1455 What are the requirements of case management staff? (1) Case management staff will provide individualized case management and coordination of services.

(2) Case management staff must have a master's or bachelor's degree in social services or a closely related field from an accredited school.

(3) Case management staff with a bachelor's degree must consult with a person with a master's degree in social services or closely related field for one hour for every twenty hours the case management employee works.

(4) Case managers must maintain:

(a) Training, experience, knowledge, and demonstrated skills in each area he or she will be supervising;

(b) Skills and understanding needed to effectively manage cases; and

(c) The ability to monitor staff development and training.

(5) You may use case management staff provided by another agency if these staff meet the educational qualifications and you have a written agreement with the agency describing the scope of services to be provided.

NEW SECTION

WAC 388-147-1460 What are the qualifications for case aide staff? (1) If you employ case aides to provide direct care, such as transporting, providing supervision, or performing other services in certified foster homes, these staff must:

(a) Be at least twenty-one years of age,

(b) Have a high school diploma or high school or equivalency course of study (GED/HSEC);

(c) Have one year of experience working directly with children or two years of social services education;

(d) Have the skill and ability to work successfully with the special needs of children in care; and

(e) Have effective communication and problem-solving skills.

(2) Case aide staff may be between eighteen and twenty-one years of age if enrolled in a social service internship or practicum program with an accredited college or university and can provide sufficient documentation.

NEW SECTION

WAC 388-147-1465 If I have health care staff, what are their qualifications? (1) If your program requires health care staff, they must:

(a) Meet the full professional competency requirements in their respective field; and

(b) Maintain their certification or licensure as required by the department of health.

(2) Applicants with current and active medical licenses or certificates (nurses, physicians and EMS personnel) may submit their licenses or certificates to satisfy the first aid requirement.

NEW SECTION

WAC 388-147-1470 Do I need to employ consultants at my agency? (1) You must have a consultant available as needed to work with your staff, the children you serve, and the children's families. Consultants may be used for case management or program support.

(2) A case management consultant is responsible to:

(a) Review treatment, case plans, or adoption home studies as appropriate;

(b) Provide one hour of consultation/clinical supervision to case management staff without a master's degree in social services or a closely related field for every twenty hours that person works. Staff consultations shall be documented and available to staff on an as-needed basis; and

(c) Monitor the staff skill development in order to effectively manage their cases.

(3) Each case management consultant must have:

(a) A master's degree in social services or a closely related field from an accredited school;

(b) The training, experience, knowledge and demonstrated skills for each area in which he or she will be supervising or advising;

(c) The ability to ensure staff develop their skills and understanding needed to effectively manage cases;

(d) The ability to monitor staff development and training; and

(e) Knowledge of mandatory child abuse and neglect reporting requirements.

NEW SECTION

WAC 388-147-1475 What are the qualifications for the foster home licensor? (1) Your foster home licensor must:

- (a) Be at least twenty-one years old; and
- (b) Have a bachelor's degree in social services or related field; or
- (c) Four years of relevant full-time experience serving children may be substituted for the bachelor's degree with DLR administrative approval.

NEW SECTION

WAC 388-147-1480 What additional support do I need for my child-placing agency? You must have sufficient clerical, accounting, administrative and maintenance services to carry out your program.

NEW SECTION

WAC 388-147-1485 Can one staff person have different responsibilities? The same person may have multiple staff roles and responsibilities as long as they meet the staff qualifications for each position.

NEW SECTION

WAC 388-147-1490 What are the requirements for volunteers working directly with children/youth? (1) These volunteers must meet the licensing requirements listed in this chapter, including meeting the qualifications for case aide staff, and must:

- (a) Be at least twenty-one years of age, unless they are between eighteen and twenty-one years of age with an internship or practicum program as per WAC 388-147-1460(2);
- (b) Be supervised at all times by at least one paid staff member or a designated volunteer meeting the qualifications of a program manager, working on-site. (This designated volunteer meeting program manager qualifications may provide direct care unsupervised); and
- (c) Receive pre-service training that addresses the needs of the population of children in care.

NEW SECTION

WAC 388-147-1495 What are the required ratios of case manager staff to children under care? (1) You must have at least one full-time case manager providing case management services for every twenty-five children in care.

(2) If you have both a license and a contract for services, you must adhere to the most stringent caseload size requirements for case managers.

Training and Professional Development

NEW SECTION

WAC 388-147-1500 What is the pre-service training requirement for staff and volunteers having direct care responsibility to children/youth? (1) Prior to having responsibility for direct care, staff and volunteers must have

a minimum of sixteen hours of the following pre-service training, including policies and procedures, job responsibilities and facility administration. This is in addition to the first aid and cardiopulmonary resuscitation training (CPR) in WAC 388-147-1510 and the HIV/AIDS/blood borne pathogen requirements in WAC 388-147-1515. Pre-service training should include the following:

- (a) Child abuse and neglect identification and reporting requirements;
 - (b) Incident reporting;
 - (c) Accessing community resources;
 - (d) Client confidentiality;
 - (e) Family dynamics and family intervention techniques;
 - (f) Child development;
 - (g) Grief and loss;
 - (h) Cultural needs of children in care;
 - (i) Sexually exploited youth;
 - (j) Behavior management and crisis intervention techniques;
 - (k) Conflict resolution or problem solving skills;
 - (l) Substance abuse;
 - (m) Sexually aggressive and physically assaultive training;
 - (n) Effects of trauma on children; and
 - (o) Youth supervision requirements.
- (2) If your agency is providing international adoption services you must also provide training that covers the Hague Convention Articles and the Hague Council on Accreditation (COA) requirements.

(3) New staff and volunteers must work shifts with fully trained staff until the new staff has completed all required training.

NEW SECTION

WAC 388-147-1505 What is the requirement for staff in-service training? (1) If you have employees in your agency, you must offer in-service training programs for developing and upgrading staff skills. Your training plan must be in writing.

(2) You must submit an in-service training plan for staff for approval by the department, with a minimum of twelve hours of annual training for applicable case management, case aide and foster home licensing staff. This training plan must be relevant to the type of children and families you serve, and the program services you provide. You must provide information relevant to the problems experienced by the children you serve, which may include suicide prevention, substance abuse, child abuse and neglect, mental health issues, cultural sensitivity and predatory behavior.

(3) You must discuss with your staff updated policies and procedures as well as the rules contained in this chapter, including the Hague Council on Accreditation if you are providing international adoption services.

(4) Your training on behavioral management must be approved by DLR and must include nonphysical age-appropriate methods of redirecting and controlling behavior, as described in the children's administration behavior management guide.

(5) You must document all training including a description of the training provided and the date of the training. This information must be kept in each employee's file or in a separate training file.

NEW SECTION

WAC 388-147-1510 What first-aid and cardiopulmonary resuscitation (CPR) training is required? If you or any of your staff provide supervision or direct care to children, basic standard first aid and age-appropriate cardiopulmonary resuscitation (CPR) training is required. The CPR training is not required for staff/volunteers with a statement from their physician that the training is not advised for medical reasons as long as another on-site staff person meets this training requirement. Training must be department approved and accredited with nationally recognized standards.

NEW SECTION

WAC 388-147-1515 What HIV/AIDS/blood borne pathogens training is required? (1) If you or any of your staff provide supervision or direct care to children, HIV/AIDS/blood borne pathogens training is required. This training should include infection control standards.

(2) You must use infection control requirements and educational material consistent with the current approved curriculum published by the department of health, office on HIV/AIDS.

(3) Staff providing direct care to children must use universal precautions when coming in contact with the bodily fluids of a child.

Managing Records and Reporting

NEW SECTION

WAC 388-147-1520 What personnel records must I keep at my agency? (1) You must keep personnel records on file for each staff person who is employed or volunteers at your agency.

(2) For staff who will not have unsupervised access to children you must keep the following:

- (a) An employment application, including work and education history;
- (b) Education documentation;
- (c) Job description of the position at your agency;
- (d) Signed mandated reporter statement;
- (e) A record of participation in the program's orientation;

and

- (f) A record of participation in ongoing staff development training.

(3) In addition you must keep the following for staff who have unsupervised access to children:

(a) A log with background check information, containing dates of request and completion of the checks on all staff, interns, volunteers, and service contractors;

(b) A record of a negative Mantoux, tuberculin skin tests results, X ray, or a medical exemption to the skin test or X ray per WAC 388-147-1335(3);

(c) First Aid/CPR/HIV/AIDS/Blood borne pathogens training documentation;

(d) A copy of government-issued photo ID;

(e) A copy of a valid driver's license for staff transporting clients or employees; and

(f) A copy of current auto insurance (if using private vehicle to transport).

(4) You must maintain a written record of case consultation by a master's level consultant as defined in WAC 388-145-1470 for case managers with a bachelor's degree.

NEW SECTION

WAC 388-147-1525 What are the requirements for children's records? (1) You must retain a record of each child placed by your agency. This record must contain all identifying legal, medical, and social information.

(2) Any identifying and personal information about a child and the child's family must be kept confidential as required by chapter 26.33 RCW. These records must be kept in a secure place inaccessible to clients, unauthorized staff and the public.

(3) During a child's placement, the child's record must be maintained and include the following:

(a) The child's name, birth date, and legal status;

(b) Name and telephone number of the child's DSHS worker for each child in care;

(c) Written consent, if any, for providing medical care and emergency surgery (unless that care is authorized by a court order);

(d) A copy of the current legal authority to place;

(e) Current case plans;

(f) Social summary;

(g) Documentation of a child's therapy treatment provided by your staff with the signature of the person making the entry to the therapy or progress notes;

(h) Log of the child's placement history with your agency; and

(i) Information related to suspected child abuse and/or neglect referrals made to children's administration, including the concern, date and person taking the report.

(4) In addition, your records must contain the following information if available:

(a) Names, address and telephone numbers of parents or persons to be contacted in case of emergency;

(b) Information on specific cultural needs of the child;

(c) Medical history including any medical problems, name of doctor, type of medical coverage and provider, date of any illnesses or accidents while placed in your agency's care;

(d) Mental health history and any current mental health, chemical dependency, and behavioral issues, including medical and psychological reports when available;

(e) Other pertinent information related to the child's health, including basic medical information, such as current prescription medications, immunizations, allergies, dental records and/or eye exams;

(f) Immunization records (if a child's placement extends beyond thirty days). If the child is not current with immunization, they must be updated as soon as medically possible.

Immunization records are not required to be current for children placed in a foster home licensed by a child-placing agency to provide emergency respite services on a voluntary placement agreement;

(g) Child's school records, report cards, school pictures, and individual education plans (IEP);

(h) Special instructions including supervision requirements and suggestions for managing problem behavior;

(i) Inventory of the child's personal belongings at the time of placement;

(j) Approved list of individuals with whom the child may have contact;

(k) The child's visitation plan; and

(l) For pregnant and parenting youth, information on the mother/father of the youth's child, if available.

(5) If you are unable to obtain this information from the department you must document your attempt to obtain the requested information in the child's file.

NEW SECTION

WAC 388-147-1530 How long should my agency keep the child records? (1) If you have child files with information not returned to the department, you must keep them for six years following the termination or expiration of any license or contract you have with the department.

(2) If your agency closes you must return all child file information to the department for any child who is or was in the custody of the department and whose records were not previously destroyed according to WAC 388-147-1530(1).

(3) Adoption records should be maintained according to WAC 388-147-1720(2).

(4) You must inform your DLR regional licenser about the closure of your agency and where the child files will be kept.

NEW SECTION

WAC 388-147-1535 What information can be shared about a child or a child's family? (1) Information about a child or the child's family is confidential and must only be shared with people directly involved in the case plan for a child.

(2) You may discuss information about the child, the child's family and the case plan only with:

(a) A representative of the department, including staff from DCFS, DLR and DDA;

(b) A representative of the department of health and the office of the state fire marshal;

(c) An agency program staff;

(d) The child's attorney;

(e) The child's assigned guardian ad litem or court-appointed special advocate; or

(f) Others designated by the child's DSHS worker.

(3) You may check with your child's DSHS worker for guidance about sharing information with the child's teacher, counselor, doctor, respite care provider, any other professional, or others involved in the case plan.

NEW SECTION

WAC 388-147-1540 What incidents involving children must I report? (1) You must report the following incidents immediately and in no instance later than 48 hours to your local children's administration Intake staff and the child's DSHS worker:

(a) Death, serious illness or injury, or psychiatric care that requires medical treatment or hospitalization of a child in care;

(b) Any time you suspect physical or sexual abuse, neglect, or exploitation of a child as required under chapter 26.44 RCW;

(c) Sexual contact between two or more children that is not considered typical play between preschool children;

(d) Any disclosure of sexual or physical abuse by a child in care;

(e) Any child's suicide attempt that results in injury requiring medical treatment or hospitalization;

(f) Any use of physical restraint that is improperly applied or excessive;

(g) Physical assault between two or more children that result in injury requiring off-site medical attention or hospitalization;

(h) Physical assault of a foster parent, employee, volunteer or others by children in care that results in injury requiring off-site medical attention or hospitalization;

(i) Any medication that is given or consumed incorrectly and requires off-site medical attention; or

(j) Property damage that is a safety hazard and is not immediately corrected or may affect the health and safety of children.

(2) You must report the following incidents related to a child in care as soon as possible or in no instance later than forty-eight hours, to the child's DSHS worker:

(a) Suicidal/homicidal thoughts, gestures, or attempts that do not require professional medical treatment;

(b) Unexpected health problems outside the usual range of reactions caused by medications, that do not require professional medical attention;

(c) Any incident of medication incorrectly administered or consumed;

(d) Physical assault between two or more children that results in injury but did not require professional medical treatment;

(e) Physical assault of a foster parent, employee, volunteer or others by children that results in injury but did not require professional medical treatment;

(f) Drug and/or alcohol use by a child in your care;

(g) Any inappropriate sexual behavior by or toward a foster child; or

(h) Use of prohibited physical restraints for behavior management.

(3) Programs providing care to medically fragile children who have nursing care staff on duty may document the incidents described in WAC 388-147-1540 (2)(b) and (c) in the facility daily logs, rather than contacting the child's DSHS worker or case manager, if agreed to in the child's case plan.

NEW SECTION

WAC 388-147-1545 What are my reporting responsibilities when a child is missing from care? (1) As soon as you or your staff have reason to believe a child in your care is missing as defined in WAC 388-147-1305 or has refused to return to or remain in your care, or whose whereabouts are otherwise unknown, you are required to notify the following:

(a) The child's assigned DSHS worker, as appropriate;
 (b) Children's administration intake, if the DSHS worker is not available or it is after normal business hours.

(2) You are required to contact local law enforcement within six hours if the child is missing. However, if one or more of the following factors are present, you must contact law enforcement immediately:

(a) The child is believed to have been taken from placement. This means the child's whereabouts are unknown, and it is believed that the child has been concealed, detained or removed by another person;

(b) The child is believed to have been lured from placement or has left placement under circumstances that indicate the child may be at risk of physical or sexual assault or exploitation;

(c) The child is age thirteen or younger;

(d) The child has one or more physical or mental health conditions that if not treated daily, will place the child at severe risk;

(e) The child is pregnant or parenting and the infant/child is believed to be with him or her;

(f) The child has severe emotional problems (e.g., suicidal thoughts) that if not treated, will place the child at severe risk;

(g) The child has an intellectual and developmental disability that impairs the child's ability to care for him/herself;

(h) The child has a serious alcohol and/or substance abuse problem; or

(i) The child is at risk due to circumstances unique to that child.

(3) After contacting local law enforcement, you must also contact the Washington state patrol's (WSP) missing children clearinghouse to report that the child is missing from care. The telephone number for the clearinghouse is 1-800-543-5678.

(4) If the child leaves school or has an unauthorized absence from school, you should consult with the child's DSHS worker to assess the situation and determine when you should call law enforcement. If any of the factors listed in subsections (2)(a) through (i) of this section are present, you and the child's DSHS worker may decide it is appropriate to delay notification to law enforcement for up to four hours after the end of the school day to give the child the opportunity to return on their own.

(5) You must provide the following information to law enforcement and to the child's DSHS worker when making a missing child report, if available:

(a) When the child left;
 (b) The last known location of the child;
 (c) What the child was wearing;
 (d) Any known behaviors or interactions that may have caused the child's departure;
 (e) Possible places where the child may go;

(f) Special physical or mental health conditions or medications that affect the child's safety;

(g) Known companions who may be aware or involved in the child's absence;

(h) Other professionals, relatives, significant adults or peers who may know where the child would go; and

(i) Recent photo of the child.

(6) You must ask law enforcement for the missing person report number and provide it to the child's DSHS worker or staff.

(7) At any time after making an initial report you learn of a missing child's whereabouts, you must report that information to the child's DSHS worker.

(8) If a child is returned to your care, it is your responsibility to cancel the run report and notify all persons you have informed of the child's run.

(9) Youth participating in the extended foster care (EFC) program are exempt from these requirements. You must follow all other reporting requirements as defined in WAC 388-147-1540.

NEW SECTION

WAC 388-147-1550 What changes must I report to my licensor? (1) You must immediately report to your licensor changes in the original licensing application. You must report changes in:

(a) Your location or designated space, including address;

(b) Your phone number;

(c) Your program description and/or population served;

(d) Structure of your facility or premises from events causing damage, such as a fire, or from remodeling;

(e) Addition of any new staff person, employee, intern, contractor, or volunteer, who might have unsupervised contact with the children in care;

(f) Medical illness or incapacity that may affect the ability of any of your program staff to complete their duties;

(g) Staff arrests or convictions of which you are aware, that occur between the date of your license and the expiration date of your license;

(h) Any staff changes including the executive director, program manager/supervisor, or master's level consultants;

(i) Death, retirement, or incapacity of the person who holds the license;

(j) Name of licensed corporation, or the name by which your facility is commonly known; and

(k) Your articles of incorporation and bylaws.

Environment, Space and EquipmentNEW SECTION

WAC 388-147-1555 What does the department require for my buildings and property? (1) You must maintain your buildings, premises, and equipment in a clean and sanitary condition, free of hazards, and in good repair. You must have a working telephone at your agency at all times.

(2) All homes certified by your agency must meet the health and safety requirements outlined in chapter 388-148 WAC.

NEW SECTION

WAC 388-147-1560 What are the requirements for the prevention of the spread of infections and communicable disease? (1) You must notify your DLR licensor if you or any adults having access to children in your care, have been exposed to someone with tuberculosis, or if a health care provider recommends testing.

(2) Retesting for license renewals is not required unless the above conditions apply.

(3) Staff with a reportable communicable disease or notifiable disease condition in an infectious stage, as defined by the department of health in chapter 246-101 WAC, must not be on duty until they have a physician's approval for returning to work.

NEW SECTION

WAC 388-147-1565 Are alcoholic beverages, marijuana or illegal drugs allowed at my agency or in our certified homes? (1) You must not have or consume alcohol, marijuana or illegal drugs on the premises of your agency.

(2) You must not allow staff members who are under the influence of alcohol, marijuana or illegal drugs to have contact with children in care.

NEW SECTION

WAC 388-147-1570 Is smoking permitted around children? (1) You must not allow your staff to smoke in your agency, in the living spaces of the homes you certify, or while transporting children.

(2) You may permit adults to smoke outdoors away from children in accordance with RCW 70.160.075.

(3) You must not provide tobacco to children.

(4) These rules do not apply to traditional or spiritual Native American or religious ceremonies involving the use of tobacco.

NEW SECTION

WAC 388-147-1575 Are guns allowed on a licensed facility's property? You must not permit guns, ammunition and other weapons on the premises of your agency.

Fire Safety and Emergency PracticesNEW SECTION

WAC 388-147-1580 What fire safety requirements am I required to meet? (1) Child-placing agency staff providing supervision to your certified homes must be knowledgeable about each home's emergency and evacuation plan and be able to:

(a) Operate fire extinguishers;

(b) Test smoke detectors (single station types); and

(c) Conduct inspections to identify fire hazards and take action to correct any hazards noted during the inspection.

(2) If your agency does not have a sprinkler system, you must have at least one approved 2A10BC-rated 5lb or larger all-purpose (ABC) fire extinguisher readily available at your

agency. You must maintain and service fire extinguishers according to manufacturer's specifications.

NEW SECTION

WAC 388-147-1585 Do I need a written emergency plan? (1) You must have a written plan on how you will assist the homes you certify in case of fire or other emergencies such as natural disasters or unforeseen events. Emergency plans may change based on the developmental level and behaviors of children you serve. To ensure that medically fragile or non-ambulatory children can exit safely, you can develop a plan for simulated fire drills with your licensor as per chapter 212-12 WAC.

(2) You must be prepared for emergencies such as violent or threatening persons on the premises, fires, earthquake, or power failure by having a written plan prepared that identifies how you will:

(a) Contact and assist your homes when an emergency occurs; and

(b) How you will notify the department regarding the plan, if implemented.

(3) You must inform your staff of your emergency plan and review your emergency plans with your staff quarterly.

Service PlanningNEW SECTION

WAC 388-147-1590 How does my agency meet the religious needs of children in care? (1) You must assure an environment of tolerance and sensitivity to a child's spiritual and religious beliefs. This includes providing adequate opportunity for spiritual and religious training and participation appropriate to the child's beliefs, and not requiring any child to participate in spiritual or religious practices contrary to the child's beliefs.

(2) You must not impose consequences if a child chooses not to participate in any or specific spiritual or religious practices.

NEW SECTION

WAC 388-147-1595 What are the requirements about nondiscrimination? You must follow all state and federal laws regarding nondiscrimination while providing services to children in your care. You must treat foster children in your care with dignity and respect regardless of race, ethnicity, culture, sexual orientation and gender identity. You must connect a child with resources that meets a child's needs regarding race, religion, culture, sexual orientation and gender identity.

NEW SECTION

WAC 388-147-1600 Do I need a social summary for children under my care? (1) You must develop a written diagnostic social summary for each child accepted for care. The social summary must serve as the basis of the child's admission to your care.

(2) The social summary must be completed as soon as possible or no later than thirty days from the date of placement.

(3) The summary must contain the following information for the child:

(a) Available copies of psychological or psychiatric evaluations, if any, on the child under care;

(b) A narrative description of the child's background and family that identifies the immediate and extended family resources;

(c) Exploration of the child's relationships and the problems and behaviors that have required care away from his or her own home;

(d) The child's primary and alternate permanency plan;

(e) Previous placement history, if any; and

(f) An evaluation of the child's need for the particular services and type of care you provide.

NEW SECTION

WAC 388-147-1605 Do I need a treatment plan for children under my care? (1) If you care for children under the care and authority of the department, with contracts or agreements to provide treatment or therapeutic services, you must assist in developing and implementing a written treatment plan for each child by the thirtieth day in care.

(2) The treatment plan must:

(a) Identify the service needs of the child, parent or guardian;

(b) Describe the treatment goals and strategies for achieving those goals;

(c) Include an ongoing account of the treatment received by the child and others involved in the treatment plan, such as any group treatment or individual counseling; and

(d) Be updated at least quarterly to show the progress toward meeting goals and list barriers to the permanent plan.

(3) A master's level case management staff person or consultant must review and sign approving the child's treatment plan.

NEW SECTION

WAC 388-147-1610 How often should the case manager contact the foster child and family? The case manager must contact a foster child and the foster child's foster family, according to a case plan that reflects the child's needs. Case managers must make in-home health and safety visits as required by children's administration policy. Each foster child and one or both foster parents must be seen at each visit.

NEW SECTION

WAC 388-147-1615 Can children in my care receive services through the extended foster care program? Foster parents can serve youth enrolled in the extended foster care program. You must adhere to chapter 388-25 WAC.

Daily Care, Behavior Management

NEW SECTION

WAC 388-147-1620 What are the requirements for supervising children? (1) Your agency is responsible to provide adequate supervision at all times. You should arrange and maintain supervision of children during times of crisis when one or more family members or staff members may be unavailable to provide the necessary supervision or coverage for other children in care.

(2) When special supervision is required and agreed upon between the department and the agency, the agency must ensure the necessary supervision is being provided. This supervision may require auditory or visual supervision at all times.

(3) Prior to placement, you must inquire if a child poses a risk to the other children or has special supervision needs by obtaining information from the parent, legal guardian, the child's DSHS worker, therapist, or previous placements. You must:

(a) Develop a plan to address those needs;

(b) Obtain approval from the child's DSHS worker if the child is under the care and authority of the department; and

(c) Inform the foster parent who will be caring for the child.

(4) All high risk activities, including the use of power driven machines or other hazardous equipment, must be properly supervised by an adult. When participating in high risk activities, children must:

(a) Be instructed how to use and required to use appropriate safety equipment, such as helmets and life vests; and

(b) Be in continuous visual or auditory range at all times, unless approved by the child's DSHS worker

NEW SECTION

WAC 388-147-1625 What requirements must I follow when I transport children? (1) Transportation you provide must be safe, reliable, and in compliance with law and contract requirements.

(2) The driver of the vehicle must:

(a) Have a valid driver's license; and

(b) Be covered under an automobile liability insurance policy.

(3) The vehicle must:

(a) Be kept in safe operating condition;

(b) Be equipped with seat belts, car seats and booster seats, and/or other appropriate safety devices for all passengers as required by law. All persons in the vehicle must use the restraint system when the vehicle is in motion; and

(c) Contain first aid supplies.

(4) There must be at least one adult other than the driver in a vehicle when:

(a) There are more than five pre-school age children in the vehicle;

(b) Staffing requirements or your contract requires a second staff person; or

(c) The child's specific need requires a second adult.

(5) Buses approved by the state patrol are not required to have seat belts.

Medical Safety

NEW SECTION

WAC 388-147-1630 Where may I obtain a child's health history? You may obtain the health history from the child's DSHS worker or parent making the placement for all children placed in your facility.

NEW SECTION

WAC 388-147-1635 Am I required to assess a child's need for immediate medical attention? (1) After a child is admitted to your program you must ensure that a child receives an initial health screen as soon as possible but no later than five days after entering your program. You must also make reasonable attempts to obtain the following health history:

- (a) Allergies;
- (b) All currently prescribed medications; and
- (c) Any special physical or mental health issues.

(2) If the child remains in placement beyond seventy-two hours, you must contact the child's DSHS worker, parent, or legal guardian to obtain the following information:

- (a) The date of the child's last physical/dental exam;
- (b) A history of immunizations; and
- (c) Clinical and medical diagnoses and treatment plans.

(3) When a child leaves your care, the health history of the child must be retained by your agency or returned to the department.

NEW SECTION

WAC 388-147-1640 When must I get an EPSDT exam for a child? Children who enter out-of-home care must receive an early and periodic screening, diagnosis and treatment (EPSDT) exam within thirty days, unless they have had an EPSDT exam in the previous thirty days. Exception: Children placed by DDA through a voluntary placement agreement. (For children placed by DDA, follow the direction of DDA regarding the need for an EPSDT exam after placement.) Children also receive subsequent periodic EPSDT exams; information on these required exams may be obtained from the child's DSHS worker.

NEW SECTION

WAC 388-147-1645 What are the requirements for obtaining consent for emergent and routine medical care? (1) The department is the legal custodian for children it places in care. We have the authority to consent to emergent and routine medical services on behalf of a child under the age of eighteen. Youth in care over the age of eighteen must consent to their own medical care or have an identified person who has been granted the legal authority to consent on their behalf. We delegate some of the authority to providers. You must contact the child's DSHS worker or children's administration intake for specific information for each child.

(2) If you care for children in the custody of another agency, tribal court or other court, you must follow the direction of that agency or court regarding permission to provide consent for medical care.

(3) In case of medical emergency, contact the child's DSHS worker or children's administration intake as soon as possible.

(4) It is your responsibility to ensure that a child receives the necessary medical attention if injured or harmed. In the event of a life-threatening medical emergency, you must contact 911 prior to transporting the child to a medical facility.

NEW SECTION

WAC 388-147-1650 Can I accept medication from a child's parent or guardian? (1) The only medicine you may accept from the child's parent, guardian, or responsible relative is medicine in the original container labeled with:

- (a) The child's first and last name;
- (b) The date the prescription was filled;
- (c) The medication's expiration date; and
- (d) Legible instructions for administration (manufacturer's instructions or prescription label) of the medication.

(2) You must notify the child's DSHS worker if you have any concerns about medication being provided to you by the child's parent or guardian.

NEW SECTION

WAC 388-147-1655 What nursing services must I provide? (1) If you certify a foster home caring for chronically ill children or medically fragile children, you must arrange for regular nursing visits.

(2) These must include at least monthly visits unless a different agreement is specified in the individual child's treatment plan.

(3) The nurse must be registered and currently licensed in the state of Washington.

(4) The nurse's name, address and telephone number must be readily available to the foster parents and/or staff at the home where services are provided.

(5) The nurse must assist your agency in setting up a program that provides for regular medical check-ups and follow-up for special health care needs specified by the child's physician or your staff.

(6) The nurse must advise and assist nonmedical staff in maintaining child health records, meeting daily health needs and caring for children with minor illnesses and injuries.

Adoption Services

NEW SECTION

WAC 388-147-1660 What qualifications must adoption services staff meet? (1) Your agency must have staff serving in the roles of executive director, program manager, and case managers as identified in WAC 388-147-1440 through 388-148-1490.

(2) Staff may serve in multiple roles, but must meet the qualifications of each program role.

(3) Agencies providing inter-country adoptions must also have an individual on staff with experience in providing inter-country adoptions.

NEW SECTION

WAC 388-147-1665 What staff training must I provide? (1) You must have a pre-service training plan of at least sixteen hours for new staff that includes:

- (a) Relevant state law;
- (b) Agency goals, ethical and professional guidelines, organizational lines of accountability, policies and procedures;
- (c) The cultural diversity of the populations(s) you serve;
- (d) Potential short and long term effects of prenatal exposure to alcohol, drugs and poor nutrition;
- (e) The potential effects of separation and loss by the child in respect to their family of origin;
- (f) The process of developing emotional ties to an adoptive family;
- (g) Attachment and post-traumatic stress disorders;
- (h) Normal child and adolescent development;
- (i) The potential effects of abuse, neglect and institutionalization on child development;
- (j) The potential issues of race and culture;
- (k) The emotional adjustment of adopted children and their families;
- (l) Open adoption, benefits of continued relations with siblings;
- (m) Adoption support;
- (n) The most frequent medical and psychological problems experienced by children from the countries of origin you serve;
- (o) Acculturation and assimilation issues, including those that arise from race, ethnicity, religion, and culture; and
- (p) Child, adolescent and adult development as affected by adoption.

(2) If you provide inter-country adoption services, there is additional training required. Pre-service training must also include:

- (a) The requirements of the Hague Convention on the Protection of Children and Co-Operation in Respect of Inter-country Adoption, the federal Intercountry Adoption Act of 2000, Public Law 106-279, Immigration and Nationality Act and the applicable Code of Federal Regulations;
- (b) The adoption laws of any Convention country where your agency provides adoption services;
- (c) Ethical considerations in inter-country adoption and prohibitions on child buying;
- (d) The effects of having been adopted internationally;
- (e) Factors in the countries of origin that lead to children needing adoptive families; and
- (f) Outcomes for children placed for adoption internationally.

(3) Employees may be exempt from elements of the inter-country adoption services training requirements when the employee has demonstrated experience with inter-country adoption and knowledge of the Hague Convention and the Intercountry Adoption Act of 2000.

(4) You must have a written in-service training program of at least fifteen hours annually that includes current and emerging adoption practice issues. If you provide specialized adoption services, such as interstate adoption services or adoption services for children with special needs, you must have a written in-service training program for staff for the specialized adoption services you provide.

NEW SECTION

WAC 388-147-1670 What are the requirements for providing adoptive services? (1) If you plan to provide adoption services you must meet the requirements for a child-placing agency outlined in this chapter.

(2) You must comply with federal and state adoption and adoption support laws and policies.

(3) You must provide adoptive applicants with the following:

- (a) Information about the adoption process as outlined in this chapter, as well as your agency's policies, practices and legal procedures;
- (b) The needs and characteristics of children available for adoption and the challenges and parenting practices that best meet those needs;
- (c) Information on available adoption support programs and post-adoption services; and
- (d) Information about the adoptive applicant's right to have legal counsel that is not associated with, and independent of, your agency.

(4) You must document that you provided this information to the adoptive applicant(s) in their file.

(5) You must prepare the potential adoptive family for placement of a specific child by locating and providing information about the child and the birth family to the prospective adoptive family provided under federal and state statute.

(6) You must accept or deny an adoption application and give the applicant(s) an explanation for your decision.

NEW SECTION

WAC 388-147-1675 Do I need to provide potential adoptive families with a program description? (1) You must provide a written program description to families that includes the following:

- (a) Services you provide prior to and after placement and/or adoption;
- (b) Your application and training requirements;
- (c) How your agency will identify children needing adoptive placements, the diverse needs of those children (behavioral challenges, disabilities, medical needs, etc.), and how children will be matched to families.
- (d) Post-adoption supports available, including financial support;
- (e) The process of adoption from beginning to end;
- (f) The expected waiting period prior to adoption;
- (g) Your medical history disclosure procedures; and
- (h) A copy of your contract.

(2) You must provide each applicant in writing with Federal Adoption Tax Credit information.

(3) You must provide written grievance procedures to the adoptive applicant(s). These must include grievance pro-

cedures in the event that the home study is denied or a particular child is not placed.

NEW SECTION

WAC 388-147-1680 What information regarding fees must I share with my applicants? You must advise each applicant in writing about your agency fees including:

- (1) All fees and charges associated with the cost of adoption;
- (2) A description of each fee including in-state, out-of-state and international expenses and fees;
- (3) All other miscellaneous expenses associated with the adoption process such as:
 - (a) Home study fees;
 - (b) Childcare expenses prior to adoption;
 - (c) Post-placement and post-adoption reports;
 - (d) Third-party fees;
 - (e) Estimated travel and accommodation expenses; and
 - (f) Non-refundable fees.

NEW SECTION

WAC 388-147-1685 What are the requirements regarding contacts with each adoptive placement prior to adoption? You must have face-to-face post-placement contact with each child and adoptive parents at least once every thirty days until the adoption is finalized. Contact may include a home or office visit, and must be in person.

NEW SECTION

WAC 388-147-1690 What steps must I take prior to entering into a contract with an adoptive applicant? (1) The applicant(s) must submit an application to your agency.

- (2) You must complete an adoption home study as outlined in WAC 388-147-1695.
- (3) Once you have approved an application, but before you sign a contract for services, you must give the applicants a written statement about:
 - (a) The adoption agency's fixed fees and fixed charges to be paid by the applicant per WAC 388-147-1680;
 - (b) An estimate of fixed fees or additional itemized expenses to be paid by applicant; and
 - (c) Specific services covered by fees that you offer for child placement or adoption.

NEW SECTION

WAC 388-147-1695 What must I include in an adoption home study? (1) Your staff must complete an adoptive home study (pre-placement report) with the participation of the applicant(s). Contact with the applicant must include a minimum of three in-person contacts that include:

- (a) An individual interview with each applicant parent and with each member of the applicant's household, including children;
- (b) A joint interview with the couple, if the family is a two parent household; and
- (c) An on-site evaluation of the applicant's home and property.

(2) For the study, your staff must gather information about and assess the following:

- (a) The suitability and fitness of the applicant(s) to be adoptive parent(s), including completed background checks of the applicant(s); and
- (b) Identification of child characteristics for which the applicant or applicants are best suited.
- (3) As required in RCW 26.33.190(2), you must document that your agency discussed with the applicant(s) the following:
 - (a) The concept of adoption as a lifelong developmental process and commitment;
 - (b) Relevance of the child's relationship with siblings and the potential benefit to the child for providing for continuing relationship and contact between the child and known siblings;
 - (c) Disclosure of the fact of the adoption to the child;
 - (d) The child's possible questions about birth parents and relatives;
 - (e) Potential for the child to have feelings of identity confusion and loss regarding separation from the birth parents; and
 - (f) The relevance of a child's racial, ethnic and cultural heritage.
- (4) The home study must identify the sources for the information gathered, and include the elements in subsection (1) through (3) in this section as well as the following:
 - (a) A background check as required in RCW 26.33.190(3) that includes the examination of state and federal criminal history check(s) and child abuse and neglect check(s);
 - (b) Whether the applicant previously applied for an adoption home study from any entity, review of the completed home studies and the outcome of the application(s); and
 - (c) References gathered throughout the assessment process, including references from each of the applicant's adult children or documentation of your diligent efforts to contact the adult children. A minimum of four references, with no more than one relative, are required.
- (5) A supervisor must sign for approval and denial of the adoption home study.
- (6) Your staff must re-evaluate the applicant(s) suitability for adopting a child each time an adoptive placement is considered.

NEW SECTION

WAC 388-147-1700 What steps must I take to place a child for adoption? (1) Your staff must prepare the adoptive parent(s) for placement of a specific child by:

- (a) Locating and providing information about the child and the birth family to the prospective adoptive family provided under the federal and state statute; and
 - (b) Developing a transition plan for the child into the family, including preparing for adjustment issues, given the child's background.
- (2) You must file pre-placement (home study) reports with the court as required by RCW 26.33.180 through 26.33.190.

NEW SECTION

WAC 388-147-1705 What requirements must I meet to provide specialized adoption services? (1) Specialized adoptive services are inter-country adoption, interstate adoption and adoptions for children with special needs such as intellectual and developmental disabilities or emotional disabilities.

(2) If your agency is providing specialized adoptive services, you must have supervisory staff with specialized training in the particular area of adoption that you want to provide.

(3) If you are facilitating the adoptive placement of children who have special needs, you must have adoptive families who are able to meet the children's special needs, such as behavioral disturbance, medical problems or intellectual and developmental disabilities.

NEW SECTION

WAC 388-147-1710 How will the department process a complaint against my agency? (1) If there is a complaint filed against you or your agency we will investigate to determine if you have violated the Washington Administrative Code and whether you have complied with your approved program description.

(2) Families adopting internationally may file complaints with the Hague Convention Complaint Registry with the federal government.

NEW SECTION

WAC 388-147-1715 Are there additional requirements for international adoptions? If you provide international adoption services to countries party to the Hague Convention, you must also be accredited by a federal Department of State accrediting entity and supply a copy of the accreditation certificate to your licensor.

NEW SECTION

WAC 388-147-1720 How do I maintain children's records? (1) Your child-placing agency must retain a record of each child you place in permanent custody. This record must contain all available identifying legal, medical, and social information and must be kept confidential, as required by chapter 26.33 RCW.

(2) If your agency closes you must make arrangements for a period of ninety-nine years for the retention of adopted children's records who were not in the custody of the department. You must inform your DLR regional licensor about the closure of your agency and where these children's records will be kept.

NEW SECTION

WAC 388-147-1725 What training must I provide prospective adoptive parents? (1) You must provide a minimum of ten hours of training before approval of a home study that includes at least the following:

(a) The rights and responsibilities of adoptive parents and the adoption agency;

(b) The potential risks and challenges inherent in adoption;

(c) The needs and characteristics of children available for adoption;

(d) Attachment, separation and loss issues for children and families, including attachment disorders and other emotional problems that institutionalized or traumatized children may experience;

(e) The importance of cultural and ethnic identity to the child and ways to foster these identities;

(f) The long term implications for a family that has become multi-cultural through adoption; and

(g) The effects of adoption on the child and family.

(2) Training to prepare the adoptive family for a particular child must also be provided. This training must include the child's:

(a) Cultural, racial, religious, ethnic and linguistic background;

(b) Medical, social, birth and developmental history, and

(c) Educational data.

NEW SECTION

WAC 388-147-1730 What must I include in a post placement report? (1) You must include at a minimum, the following information in the post placement report:

(a) All reasonably available information about the child's:

(i) Physical and mental condition;

(ii) Home environment;

(iii) Family life, health, and family constellation; and

(iv) Facilities where the child has resided.

(b) If relevant, information on the child's special cultural heritage, including membership in any Indian tribe or band;

(c) Collateral contacts with professionals involved with the family or child;

(d) Follow up contacts with personal references for the adoptive parents;

(e) A review of the family's discipline practices, done independently with the family and the child, if the child is age appropriate for an interview; and

(f) Documentation of your home visits, including one within the first thirty days following placement.

(2) If the placement appears likely to disrupt, you must document your efforts to provide necessary services to preserve the placement if appropriate. If disruption occurs, you must document your efforts to provide a new placement for the child.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-147-0010 What authority does the department of social and health services have to license residential programs for pregnant and parenting teens and their children?

WAC 388-147-0020 What is the purpose of this chapter?

- WAC 388-147-0030 What definitions do I need to know to understand this chapter?
- WAC 388-147-0040 Is a license required to provide care to pregnant and parenting teens and their children?
- WAC 388-147-0050 How old do I have to be to apply for a license?
- WAC 388-147-0060 What personal characteristics are needed to be licensed?
- WAC 388-147-0070 What is required when completing an application for licensing?
- WAC 388-147-0080 How long does an applicant have to complete the licensing application packet?
- WAC 388-147-0090 Will the department license or continue to license a facility if the facility does not meet the licensing requirements?
- WAC 388-147-0100 Does the department issue a probationary license?
- WAC 388-147-0110 When is a license denied, suspended or revoked?
- WAC 388-147-0120 Are there any other reasons that might cause me to lose my license?
- WAC 388-147-0130 When is an employee or volunteer disqualified from having unsupervised access to a child or youth in a licensed facility?
- WAC 388-147-0140 How is the applicant or licensee notified if the department decides to modify, deny, suspend, or revoke a license?
- WAC 388-147-0150 What may an applicant or licensee do if he or she disagrees with the department's decision to modify, deny, suspend or revoke the license?
- WAC 388-147-0160 Does the department need to approve the program offered for pregnant and parenting teens?
- WAC 388-147-0170 Is a program description required as part of the license application?
- WAC 388-147-0180 What must be included in a pregnant and parenting teen program?
- WAC 388-147-0190 What independent living skills may be offered?
- WAC 388-147-0200 Is a residential facility for pregnant and parenting teens required to provide childcare?
- WAC 388-147-0210 What are the requirements about non-discrimination?
- WAC 388-147-0220 Is participation in the program conditional on a teen's decision about keeping or relinquishing her child?
- WAC 388-147-0230 What are your requirements for keeping client records?
- WAC 388-147-0240 What personnel policies must a program have?
- WAC 388-147-0250 Must the facility license be posted?
- WAC 388-147-0260 What are the qualifications for an executive director?
- WAC 388-147-0270 Is a supervisor or case consultant needed?
- WAC 388-147-0280 What are the qualifications of a case manager?
- WAC 388-147-0290 What are the responsibilities of the case manager?
- WAC 388-147-0300 What are the required ratios of case management staff to youth?
- WAC 388-147-0310 Is an on-site facilities manager required?
- WAC 388-147-0320 What are the qualifications for an on-site facilities manager?
- WAC 388-147-0330 What are the responsibilities of the on-site facilities manager?
- WAC 388-147-0340 What clerical, accounting and administrative services are needed?
- WAC 388-147-0350 What support and maintenance staff are needed?
- WAC 388-147-0360 What first aid and cardiopulmonary resuscitation (CPR) training is required?
- WAC 388-147-0370 What HIV/AIDS and bloodborne pathogens training is required?
- WAC 388-147-0380 What steps must be taken to prevent the spread of infections and communicable diseases?
- WAC 388-147-0390 Is in-service training required?
- WAC 388-147-0400 What types of disciplinary practices are forbidden at a facility?
- WAC 388-147-0410 What are the reporting requirements?
- WAC 388-147-0420 What changes to a facility must the licensee report to the licensor?
- WAC 388-147-0430 How is the capacity determined for a facility?
- WAC 388-147-0440 Are there general food service requirements?
- WAC 388-147-0450 What are the requirements for managing medications?

- WAC 388-147-0460 What are the requirements for transporting children and youth?
- WAC 388-147-0470 What are the requirements for beds?
- WAC 388-147-0480 May wheeled baby walkers be used?
- WAC 388-147-0490 What health and safety requirements are there?
- WAC 388-147-0500 Are local ordinances part of the licensing requirements?
- WAC 388-147-0510 What are the requirements regarding the location of a facility?
- WAC 388-147-0520 What physical structure safety requirements must a facility meet?
- WAC 388-147-0530 What measures are required for pest control?
- WAC 388-147-0540 What are the requirements regarding pets and animals in a facility?
- WAC 388-147-0550 Are alcoholic beverages or illegal drugs allowed at a facility?
- WAC 388-147-0560 Is smoking permitted around children or youth?
- WAC 388-147-0570 Are firearms allowed at a facility?
- WAC 388-147-0580 What are the requirements for storing dangerous chemicals or other substances?
- WAC 388-147-0590 What first-aid supplies are needed?
- WAC 388-147-0600 Is a telephone required at the facility?
- WAC 388-147-0610 What are the lighting requirements for the facility?
- WAC 388-147-0620 What are the requirements for laundry facilities?
- WAC 388-147-0630 What are the requirements for toilets, sinks, and bathing facilities?
- WAC 388-147-0640 What are the requirements about drinking water?
- WAC 388-147-0650 What are the requirements for sewage and liquid wastes?
- WAC 388-147-0660 Is a disaster plan required?
- WAC 388-147-0670 What fire safety procedures do case management and facility staff need to know?
- WAC 388-147-0680 What fire safety requirements must the licensee follow?
- WAC 388-147-0690 What other requirements must I follow for smoke detectors?
- WAC 388-147-0700 What fire safety instruction is required for children and youth residing in a facility?
- WAC 388-147-0710 What are the requirements for a fire or other emergency evacuation plan?

- WAC 388-147-0720 Are there different construction and fire safety requirements for facilities that have multiple licenses in the same building?

Chapter 388-148 WAC

LICENSING REQUIREMENTS FOR CHILD FOSTER HOMES(~~(, STAFFED RESIDENTIAL HOMES, GROUP RESIDENTIAL FACILITIES, AND CHILD-PLACING AGENCIES))~~)

Purpose and Definitions

NEW SECTION

WAC 388-148-1300 What is the purpose of this chapter? (1) This chapter contains licensing requirements for all foster homes licensed directly by the department or certified through a child placing agency. Unless noted otherwise, these requirements apply to you if you are licensed to provide foster care.

(2) Licensing requirements are designed to ensure children who are in foster care are safe, healthy and protected from all forms of child abuse and neglect according to RCW 26.44.020(1) and chapter 388-15 WAC.

NEW SECTION

WAC 388-148-1305 What definitions do I need to know to understand this chapter? The following definitions are for the purpose of this chapter and are important to understanding these requirements:

"Abuse or neglect" means the injury, sexual abuse, sexual exploitation, negligent treatment or maltreatment of a child as defined in RCW 26.44.020.

"Adult" means a person eighteen years of age and older, not in the care of the department.

"Agency" is defined in RCW 74.15.020(1).

"CA" means children's administration.

"Capacity" means the age range, gender and maximum number of children on your current license.

"Care provider" means any person who is licensed or authorized to provide care for children and/or cleared to have unsupervised access to children under the authority of a license.

"Case manager" means the private agency employee who coordinates the planning efforts of all the persons working on behalf of a child.

"Certification" means either:

(1) Our review of whether you meet the licensing requirements, even though you do not need to be licensed; or

(2) A licensed child-placing agency (CPA) representing that a foster home being supervised by that CPA meets licensing requirements. The final decision for licensing is the responsibility of CA.

"Chapter" means chapter 388-148 WAC.

"Child", "children" or "youth" for this chapter, means a person who is one of the following:

(1) Under eighteen years old;

(2) Up to twenty-one years of age and pursuing a high school or equivalency course of study (GED/HSEC), or vocational program;

(3) Up to twenty-one years of age and participating in the extended foster care program;

(4) Up to twenty-one years of age with intellectual and developmental disabilities;

(5) Up to twenty-one years of age and under the custody of the Washington state juvenile rehabilitation administration.

"Child-placing agency or CPA" means an agency licensed to place children for foster care or adoption.

"Compliance agreement" means a written improvement plan to address the changes needed to meet licensing requirements.

"DCFS" means the division of children and family services within children's administration. DCFS provides case management to children and families involved in the child welfare system.

"DDA" means the developmental disabilities administration.

"Department or DSHS" means the department of social and health services.

"Developmental disability" is a disability as defined in RCW 71A.10.020.

"DLR" means the division of licensed resources within children's administration. DLR licenses and monitors foster homes, child placing agencies, and group care facilities.

"FBI" means the Federal Bureau of Investigation.

"Foster home or foster family home" means a person(s) licensed to regularly provide twenty-four hour care in their home to children.

"Guns or weapons" means any device intended to shoot projectiles under pressure or that can be used to attack. These include but are not limited to BB guns, pellet guns, air rifles, stun guns, antique guns, handguns, rifles, shotguns and archery equipment.

"Hearing" means the administrative review process conducted by an administrative law judge.

"I, my, you, and your" refers to an applicant for a license issued under this chapter, and to any party holding a license under this chapter.

"Infant" means a child less than twelve months of age.

"Intellectual and developmental disability" means children with deficits in general mental abilities and impairment in everyday adaptive functioning.

"License" means a permit issued by us confirming that you and your home meet the licensing standards established in this chapter.

"Licensed health care provider" means an MD (medical doctor), DO (doctor of osteopathy), ND (doctor of naturopathy), PA (physician's assistant), or an ARNP (advanced registered nurse practitioner).

"Licensor" means either:

(1) A DLR employee who recommends approvals for, or monitors licenses or certifications for facilities and agencies established under this chapter; or

(2) An employee of a child-placing agency who certifies or monitors foster homes supervised by the child-placing agency.

"Maternity services" as defined in RCW 74.15.020. These are also referred to as pregnant and parenting youth programs.

"Medically fragile" means the condition of a child who requires the availability of twenty-four hour skilled care from a health care professional or specially trained family or foster family member. These conditions may be present all the time or frequently occurring. If the technology, support and services being received by the medically fragile children are interrupted or denied, the child may, without immediate health care intervention, experience death.

"Missing child" means any child under the care and authority of CA and the child's whereabouts are unknown and/or the child has left care without the permission of the child's caregiver or CA. This does not include children in dependency guardianship.

"Non-ambulatory" means not able to walk or exit to safety without the physical assistance of another individual.

"Out-of-home placement" means a child's placement in a home or facility other than the home of a child's parent, guardian, or legal custodian.

"Probationary license" means a license issued as part of a corrective action to an individual or agency that has previously been issued a full license but is out of compliance with minimum licensing requirements and has entered into an agreement aimed at correcting deficiencies.

"Property or premises" means your buildings and grounds adjacent to your residential property that are owned and/or managed by you.

"Psychotropic medication" means a type of medicine prescribed to affect or alter thought processes, mood, sleep or behavior. These include anti-psychotic, anti-depressant and anti-anxiety medications.

"Relative" means a person who is related to a child as defined in RCW 74.15.020.

"Respite" means brief, temporary relief care provided by an in-home or out-of-home provider paid by the department. The respite provider fulfills some or all of the care provider responsibilities for a short time.

"Treatment plan" means individual plans that identify the service needs of the child, including the child's parent or guardian, and identifies the treatment goals and strategies for achieving those goals.

"Washington state patrol fire protection bureau or WSP/FPB" means the state fire marshal.

"We, our, and us" refers to the department of social and health services, including DLR and DCFS staff.

"Young child" refers to a child age twelve months through eight years old.

Licensing Process

NEW SECTION

WAC 388-148-1310 Am I required to have a license to provide care to children? You must be licensed if you provide care on a twenty-four hour basis to a child who is not related to you. Exceptions to this rule are listed in RCW 74.15.020 or by order of the court under chapters 26.10 RCW or RCW 13.34.065.

NEW SECTION

WAC 388-148-1315 How is an application submitted? (1) You must complete your licensing application packet with all DLR required documents within ninety days of submitting the application and background authorization forms to the department. Application packets are available from the division of licensed resources and licensed child-placing agencies.

(2) If you do not meet this ninety-day deadline, your licensor may withdraw your application.

NEW SECTION

WAC 388-148-1320 When will the department grant me a foster family license? (1) We issue you a license when you and everyone in your household meet the licensing requirements contained in this chapter, and all required documents are in the licensing file.

(2) You and other caregivers over the age of eighteen must:

(a) Complete first aid training and age-appropriate adult and/or infant CPR (cardiopulmonary resuscitation). Training must be department approved and accredited with nationally recognized standards; and

(b) Complete HIV/AIDS and blood borne pathogens training including infection control standards consistent with educational materials published by the department of health, office on HIV/AIDS.

(3) You, your household members and anyone else having unsupervised contact with your foster child(ren) must pass the following background check requirements per chapter 388-06 WAC (This includes people living on any part of your property):

(a) Anyone over the age of sixteen must pass a criminal history check.

(b) Anyone over the age of eighteen must pass an FBI fingerprint check.

(c) Anyone over the age of eighteen must complete a child abuse and neglect registry check from each state they have lived in over the past five years indicating:

(i) No license denials or revocations from an agency that regulates the care of children or vulnerable adults, unless the department determines that you do not pose a risk to a child's health, safety, well-being and long-term stability; and

(ii) No finding or substantiation of abuse or neglect of a child or a vulnerable adult, unless the department determines that you do not pose a risk to a child's safety, well-being, and long-term stability.

(4) You, and your household members over the age of eighteen must submit a negative tuberculosis test or an X-ray, unless you can demonstrate a medical reason prohibiting the tuberculosis test, or have had a negative tuberculosis test in the previous twelve months.

(5) Before granting or renewing a license, your licensor will assess your ability to provide a safe home and to provide the quality of care needed by children placed in your home. Your licensor will also determine that you meet training requirements.

(6) Foster children under the care and authority of the department living in your home do not need to obtain a criminal history check, FBI fingerprint check or TB test.

NEW SECTION

WAC 388-148-1325 How is a license issued and where is it kept? (1) We will issue a foster family license for the name and address shown on your application when requirements have been met. If you move, we must visit your new home to determine whether you continue to meet licensing requirements. Your license cannot be transferred to someone else.

(2) Your license is issued for a three-year period.

(3) You must keep your foster family license at your home available for viewing if requested.

NEW SECTION

WAC 388-148-1330 May I receive more than one in-home family license? (1) In rare situations and at our discretion, we may allow a family to be licensed for foster care and another type of in-home family care. The DLR Administrator may grant approval if it appears to be in the best interest of a child.

(2) If you have more than one in-home family license:

(a) It must be clear that the health and safety of children is not compromised; and

(b) The total number of children allowed in your home will not be higher than CA's maximum capacity. All licensing agencies must be in agreement.

NEW SECTION

WAC 388-148-1335 What happens when licensing requirements differ from contract requirements? You may also hold a contract with the state to provide services. When contract or other statutory requirements differ from licensing, you must meet the highest standard.

NEW SECTION

WAC 388-148-1340 What do I do to renew my license? (1) As a courtesy a renewal notice will be sent to you one hundred and twenty days prior to your license expiration date. If you do not receive this renewal notice it is your responsibility to contact your licensor.

(2) You must send the application and background authorization form to renew your license prior to the expiration date of your current license. Your license can be closed if we do not receive your application prior to your license expiration date.

NEW SECTION

WAC 388-148-1345 Who must have access to my home? The department (and, if you are supervised by a CPA, CPA representatives) must have access to your premises, foster children, and documents related to foster children in your care.

NEW SECTION

WAC 388-148-1350 What are the roles of the department and the CPA? (1) We have the legal authority to license homes for the care of children in out-of-home placement. You may choose to be supervised by us, or by a child-placing agency (CPA).

(2) We license CPAs, including tribal CPAs, to supervise foster homes. The CPA is authorized to certify to the department that you meet the licensing requirements contained in this chapter.

(3) A CPA has the discretion whether or not to certify you. If you disagree with a child-placing agency's decision, you must abide by the child-placing agency's grievance process to challenge the decision.

(4) A CPA may, at their discretion, have additional requirements for you to become and remain a licensed foster home under their supervision.

(5) The department has the final approval for licensing you, if you are certified by a CPA.

NEW SECTION

WAC 388-148-1355 Can I be licensed as a foster home if I also work for a child-placing agency or children's administration? (1) If you or your relative(s) work for a CPA in the roles of administration, supervision, foster home certification, placement, payment authorization, or case management, you may not be certified by that CPA as a foster home.

(2) If you go to work for the agency that has already certified your home, and you serve in one of these roles, you must be recertified through another agency or become licensed directly by the department within six months of employment.

(3) You or your relative(s) may not have financial interest in an agency and be licensed or certified by that agency.

(4) If you or your relative works for DSHS, you must follow department policy regarding licensure.

NEW SECTION

WAC 388-148-1360 When may I be certified to provide care to children? (1) When you meet the licensing requirements, you may apply to us for certification of your home, rather than a license, if the following conditions apply:

(a) You are exempt from needing a license (per chapter 74.15 RCW), and you wish to serve department-funded children; or

(b) You are licensed by authority of an Indian tribe within the state under RCW 74.15.190.

QualificationsNEW SECTION

WAC 388-148-1365 What are the character and personal requirements for foster parents? (1) You must be at least twenty-one years old to apply for a license.

(2) You must demonstrate you have:

(a) The understanding, ability, physical health, emotional stability and personality suited to meet the physical, mental, emotional, cultural, and social needs of children under your care;

(b) The ability to furnish children with a nurturing, respectful, and supportive environment; and

(c) Sufficient regular income to maintain your own family, without the foster care reimbursement made for the children in your care.

NEW SECTION

WAC 388-148-1370 What kinds of assessments are included in the licensing process? (1) The department or child-placing agency will assess you for a foster family license. This will include, but is not necessarily limited to:

(a) Your ability to comply with the licensing requirements;

(b) The physical condition of your home and property;

(c) The physical and mental health of all members of the household; and

(d) Your ability to provide sufficient income to meet the financial needs of your family without the foster care reimbursements for foster children in your care.

(2) At any time, we may require you or someone in your house to give additional information. We may also require an evaluation of your home or property, or of a person in your home, by an evaluator/provider approved by the department.

(3) Any evaluation requested by the department will be at your expense.

(4) You must give the evaluator written permission to share information with us throughout the evaluation process.

NEW SECTION

WAC 388-148-1375 What training am I required to have before I become licensed? (1) Before you are licensed for the first time, orientation and pre-service training will be required for the primary caregiver (at a minimum) in your home.

(2) All members of the household over the age of eighteen who provide care must have and maintain the following training:

(a) First aid;

(b) Age appropriate cardiopulmonary resuscitation (CPR); and

(c) HIV/AIDS to include blood-borne pathogens and infection control standards consistent with educational materials published by the department of health, office on HIV/AIDS.

(3) The department-approved first aid and CPR training must be accredited with nationally recognized standards. It also must include an in-person exercise demonstrating that you are capable of performing CPR.

(4) You must keep records in your home showing completed current first-aid and age appropriate CPR training for all care providers.

(5) Training for CPR is not required if you have a statement from a physician that the training is not advised for medical reasons. In that case, another person with current

CPR training must be on the premises when children are present.

(6) Applicants with current and active medical licenses or certificates (nurses, physicians and EMS personnel) may submit their licenses or certificates to satisfy the first aid and CPR requirement.

NEW SECTION

WAC 388-148-1380 What training must I complete after I am licensed? (1) You and your licensor must develop an individual in-service training plan pursuant to the department's foster home training policy. The training plan will be based on the type of children in your care and your previous training and experience.

(2) If you fail to complete your training plan requirements, we may take corrective action by:

(a) Delaying your foster care renewal license until the requirements are met;

(b) No longer placing children in your home; or

(c) Revoking your license.

(3) We may modify training plans at any time and we may require specific training given the needs of the foster children placed in your home.

NEW SECTION

WAC 388-148-1385 How do you decide how many children may be placed in my home? (1) We will identify the maximum number, age range, and gender of children that may be placed with you. We will base this on your skills, the number of care providers, the physical accommodations in your home, and the needs of the children placed in your home.

(2) The maximum number of children in a licensed foster home is:

(a) Six children in a home licensed with two caregivers. This includes your own children under the age of eighteen, and children in foster or respite care;

(b) Four children, in a home licensed with one caregiver. This includes your own children under the age of eighteen, and children in foster or respite care;

(c) If you already have the maximum number of your own children as specified in (a) or (b) in this subsection, you may be licensed for one foster child at our discretion if you meet the other licensing requirements.

(3) If you reach maximum capacity during licensure because you give birth or adopt, your licensor will determine your home's suitability for one additional child.

(4) At any one time you may care for not more than:

(a) Two children less than two years of age or who are non-ambulatory, including your own children; or

(b) Four children with intellectual and developmental disabilities as defined in RCW 71A.10.020; or

(c) Three medically fragile foster children who need semi-skilled maintenance or supportive services. You must have the qualified training and experience to provide proper care.

(5) You may have placement of a teen parent and their child. Both the teen parent and their child do not have to be in

the custody of the department or a CPA, however, they will count towards your maximum capacity.

NEW SECTION

WAC 388-148-1390 Can I accept children outside the limitations of my license? (1) We have the discretion to allow you to temporarily exceed your capacity. We may do this when you provide care for a sibling group, respite care, placement of a relative child, or because you have demonstrated exceptional abilities to meet the needs of children. The placement must be in the best interest of the child and may not affect the health and safety of other children in the home.

(2) The approval must be in writing and we may require a written plan for additional supervision or other requirements before granting approval.

NEW SECTION

WAC 388-148-1395 Do I have to admit or retain all children? (1) You have the right to decline to admit or keep a child in your home. However, individual CPA programs may have contracts that specify a child cannot be denied admission.

(2) You do not have the authority to move a child to another home (either temporarily or permanently) without the consent of the child's DSHS worker or the child-placing agency case manager. This does not include temporary visits under seventy-two hours. You must also comply with travel requirements in WAC 388-148-1435.

NEW SECTION

WAC 388-148-1400 What services must I provide for medically fragile children and children with intellectual and developmental disabilities? (1) If you care for medically fragile children and children with intellectual and developmental disabilities, you must ensure the following services are provided, if prescribed by a physician:

(a) An individualized treatment plan suited to the unique needs of each child in care; and

(b) Care by physicians, including surgeons, general and family practitioners, and specialists related to the child's particular diagnosis.

Managing Records and Reporting

NEW SECTION

WAC 388-148-1405 What are the requirements for keeping children's records? (1) When a child is placed in your foster home, you must keep the child's records in your home. You should have the following information, if available:

(a) The child's name, birth date, and legal status;

(b) Name and telephone number of the DSHS worker or case manager for each child in care;

(c) Names, address and telephone numbers of parents or persons to be contacted in case of emergency;

(d) Information on specific cultural needs of the child including a cultural plan for native children with input from the child's tribe, if appropriate;

(e) The child's medical history including any medical problems, name of doctor(s), type of medical coverage and provider;

(f) The child's mental health history and any current mental health, chemical dependency, and behavioral issues, including medical and psychological reports;

(g) A written list of all prescription medications for the children in your care;

(h) Dental care provider;

(i) Immunizations records;

(j) Child's school records, report cards, school pictures, and individual education plans (IEP);

(k) Special instructions including supervision requirements and suggestions for managing problem behavior;

(l) Inventory of the child's personal belongings;

(m) The child's visitation plan;

(n) Written consent from the child-placing agency, if any, for providing medical care and emergency surgery (unless that care is authorized by a court order); and

(o) Names, addresses, and telephone numbers of persons authorized to take the child in care out of your home.

(2) Foster parents are encouraged to obtain a copy of the child's court order or voluntary placement agreement that gives approval to place the child, and the child's case plan from the child's DSHS worker.

(3) At the end of the child's placement, you must return reports and information about the child or the child's family to the child's DSHS worker or case manager, or the child's next placement at the discretion of the child's DSHS worker or case manager.

NEW SECTION

WAC 388-148-1410 What information is confidential and what information can I share about a child or a child's family? (1) Information about a child or the child's family is confidential and must only be shared with people directly involved in caring for a child on a need to know basis, or involved in the case plan for a child. You may discuss information about the child, the child's family and the case plan only with:

(a) Our representatives, including staff from DCFS, DLR and DDA;

(b) Department of health and the office of the state fire marshal;

(c) A child placing agency team assigned to the child;

(d) A child's tribal social services worker;

(e) Treatment and service providers identified in the child's case plan or with permission of the child's DSHS worker; and

(f) The child's guardian ad litem, court-appointed special advocate and/or attorney, approved by the child's DSHS worker, with a release of information.

(2) You may check with your child's DSHS worker for guidance about sharing information with the child's teacher, counselor, doctor and others involved in the child's case plan.

(3) Child-placing agencies and the department must share information about the child and child's family related to the case plan with you so that you can meet the child's needs.

NEW SECTION

WAC 388-148-1415 Where can I get a child's health history? (1) You may get the health history and immunization record from the DSHS worker or child-placing agency making the placement for all children placed in your home. The health history should include:

(a) The date of the child's last physical and dental examination;

(b) Allergies;

(c) Any special health problems;

(d) A history of immunizations;

(e) Clinical and medical diagnoses and treatment plans; and

(f) All currently prescribed medications.

(2) When leaving the foster home, the health history of the child must go with the child to the next placement or be returned to the child's DSHS worker or CPA case manager.

NEW SECTION

WAC 388-148-1420 What incidents involving children must I report? (1) You must report the following immediately and in no instance later than forty-eight hours to your local children's administration intake staff and the child's DSHS worker or CPA case manager and/or child's tribal ICW case manager:

(a) Death, serious illness or injury, or psychiatric care that requires medical treatment or hospitalization of a child in care;

(b) Any time you suspect or a child discloses physical or sexual abuse, neglect, or exploitation of a child as required under RCW 26.44;

(c) Sexual contact between two or more children that is not considered typical play between preschool age children;

(d) Any child's suicide attempt that results in injury requiring medical treatment or hospitalization;

(e) Any use of physical restraint that is alleged to have been improperly applied or excessive;

(f) Physical assault between two or more children that results in injury requiring off-site medical attention or hospitalization;

(g) Physical assault of a foster parent, employee, volunteer or others by children in care that results in injury requiring off-site medical attention or hospitalization;

(h) Any medication that is given or consumed incorrectly and requires off-site medical attention; or

(i) Serious property damage that is a safety hazard and is not immediately corrected or may affect the health and safety of children.

(2) You must report the following incidents related to a child in care as soon as possible or in no instance later than forty-eight hours, to the child's DSHS worker:

(a) Suicidal/homicidal thoughts, gestures, or attempts that do not require professional medical treatment;

(b) Unexpected health problems outside the usual range of reactions caused by medications, that do not require professional medical attention;

(c) Any incident of medication incorrectly administered or consumed;

(d) Physical assault between two or more children that results in injury but did not require professional medical treatment;

(e) Physical assault of a foster parent, employee, volunteer or others by children that results in injury but did not require professional medical treatment;

(f) Drug and/or alcohol use by a foster child;

(g) Any inappropriate sexual behavior by or toward a foster child; or

(h) Use of prohibited physical restraints for behavior management.

NEW SECTION

WAC 388-148-1425 What are my reporting responsibilities when a child is missing from care? (1) As soon as you have reason to believe a child in your care is missing as defined in WAC 388-148-1305 or has refused to return to or remain in your care, or whose whereabouts are otherwise unknown, you are required to notify the following:

(a) The child's assigned DSHS worker, as appropriate;

(b) CA Intake, if the DSHS worker is not available or it is after normal business hours;

(c) The case manager, if the child is placed by a child placing agency program.

(2) You are required to contact local law enforcement within six hours if the child is missing from care. You must contact law enforcement immediately in any of the following circumstances:

(a) The child is believed to have been taken from placement. This means the child's whereabouts are unknown, and it is believed that the child has been concealed, detained or removed by another person;

(b) The child is believed to have been lured from placement or has left placement under circumstances that indicate the child may be at risk of physical or sexual assault or exploitation;

(c) The child is age thirteen or younger;

(d) The child has one or more physical or mental health conditions that if not treated daily, will place the child at severe risk;

(e) The child is pregnant, or is parenting and the infant/child is believed to be with him or her;

(f) The child has severe emotional problems (e.g., suicidal thoughts) that if not treated, will place the child at severe risk;

(g) The child has an intellectual and developmental disability that impairs the child's ability to care for him/herself;

(h) The child has a serious alcohol and/or substance abuse problem; or

(i) The child is at risk due to circumstances unique to that child.

(3) After contacting local law enforcement, you must also contact the Washington state patrol's (WSP) missing children clearinghouse to report that the child is missing from

care. The telephone number for the clearinghouse is 1 (800) 543-5678.

(4) If the child leaves school or has an unauthorized absence from school, you should consult with the child's worker to assess the situation and determine when you should call law enforcement. If any of the factors listed in subsections (2) (a) through (i) of this section are present, you and the child's worker may decide it is appropriate to delay notification to law enforcement for up to four hours after the end of the school day to give the child the opportunity to return.

(5) You must provide the following information to law enforcement and to the child's DSHS worker when making a missing child report, if available:

(a) When the child left;

(b) Location the child left;

(c) What the child was wearing;

(d) Any known behaviors or interactions that may have caused the child's departure;

(e) Possible places where the child may go;

(f) Special physical or mental health conditions or medications that affect the child's safety;

(g) Known companions who may be aware or involved in the child's absence;

(h) Other professionals, relatives, significant adults or peers who may know where the child would go; and

(i) Recent photo of the child.

(6) You must ask law enforcement for the missing person report number and provide it to the child's DSHS worker or staff.

(7) At any time after making an initial report you learn of a missing child's whereabouts or the child returns to your home, you must report that information to the child's DSHS worker.

NEW SECTION

WAC 388-148-1430 What are other reporting requirements? (1) You must report to your licensor immediately if:

(a) Your address or telephone number changes;

(b) The structure of your home is damaged or you plan to make changes to the structure; or

(c) You have any changes to your original licensing application or you relocate your home.

(2) You must report to your licensor any significant changes regarding people in your home and your property including:

(a) A change in your marital status;

(b) A separation from your spouse or partner;

(c) An arrest of anyone on the premises or who has access to children;

(d) The death of immediate family members living in your home;

(e) Anyone moving in or out of your home or on the property;

(f) Any serious physical or mental incapacity that may interfere with the care of children;

(g) Any changes in a medical condition, including changes in prescription drugs that impact your ability to care for children;

(h) A change in employment or significant decrease in income; and

(i) If you adopt a child.

(3) The above changes may require the department or child-placing agency to complete a new assessment of your home. This assessment may or may not result in the issuance of a license.

NEW SECTION

WAC 388-148-1435 What are the travel requirements for children in care? You must get written approval from the child's DCFS worker for children or youth in the care and custody of the department, prior to any travel over seventy-two hours, and any out-of-country travel.

Health and Safety

NEW SECTION

WAC 388-148-1440 What are the requirements for my home and property? (1) Your home must have adequate indoor and outdoor space, ventilation, toilet and bathing facilities, light and heat to ensure the health and comfort of all members of the household.

(2) You must keep your home, property, living areas and furnishings:

(a) Clean, comfortable and in good repair;

(b) Reasonably free from pests, such as rodents, flies, cockroaches, fleas, and other insects using the least toxic methods available; and

(c) Reasonably free from anything that may be a hazard to children.

(3) You must keep all toxic materials out of the reach of children and separated from food items.

(4) You must provide adequate laundry and drying equipment, or make other arrangements for laundry on a regular basis.

(5) People must be able to easily open doors from the inside and outside in all areas of the home that are occupied. This includes closets, bathrooms, and bedrooms. You must also have easy access to the outside in case of an emergency.

(6) The cleanliness and care of your home must meet generally accepted health standards for the storage and preparation of food.

(7) You must develop a plan with your licensor to address hazardous conditions that are present in your home or on your property.

(8) You are responsible for following all local and state regulations such as zoning regulations, local building codes and fire codes. The department may require you to provide proof that you are complying with local regulations.

NEW SECTION

WAC 388-148-1445 What are the requirements for water, garbage and sewer in my home? (1) You must maintain adequate sewage and garbage facilities. You must discharge sewage into a public system or into a functioning septic system or a department of health approved and/or tribal authority alternative system.

(2) You must have access to a public water supply unless you have a private water supply tested by the local health authority or a private water-testing laboratory approved by the department of public health and/or tribal authority. Testing is required at the time of licensing, re-licensing and at any time the department or child-placing agency deems necessary.

(3) The temperature of running water must not exceed one hundred twenty degrees.

NEW SECTION

WAC 388-148-1450 What are requirements for my household equipment and hardware? (1) You must disinfect diaper-changing areas and toilet-training equipment between each use or use a nonabsorbent, disposable covering that you discard after each use. All caregivers must wash hands before and after diapering each child.

(2) You must install electrical outlet covers in areas that are accessible to children who might be endangered by exposed outlets. This includes children under the age of six or children with intellectual and developmental delays.

(3) Caregivers must have access to a working telephone at all times while children are present in the home. You must post emergency numbers and the address of your home in an easily visible location. This must include the Washington state poison control number (1-800-222-1222).

(4) Infants/toddlers are not allowed to use wheeled baby walkers.

NEW SECTION

WAC 388-148-1455 How must I keep children safe around bodies of water? (1) You must ensure children in your care are safe around bodies of water. You must:

(a) Keep all swimming pools and other bodies of water fenced with a locking gate or other DLR-approved safety device;

(b) Lock hot tubs when not in use;

(c) Make all potential water hazards, including wading pools, inaccessible to children when not in use.

(2) All swimming pools and other bodies of water must comply with state and local regulations. You must work with your licensor to establish a plan for the bodies of water based on the development level and behaviors of the children in your home.

(3) You must observe the following when foster children are swimming in pools and outdoor bodies of water:

(a) Swim only in designated swimming areas; or

(b) Require all children age thirteen and under to wear U.S. Coast Guard-approved personal floatation devices when swimming outside the supervision of a lifeguard.

(4) If you have any water-based recreation devices, you must use and maintain them according to manufacturer's recommendations. All children and youth who ride in a water-based recreation device must wear a U.S. Coast Guard-approved personal floatation device at all times.

(5) An adult with current age-appropriate first aid and CPR or a lifeguard must supervise children swimming under age twelve, and must be able to see and hear the children at all

times. Children under the age of five must be within touching distance of a supervising adult or the birth parent at all times.

NEW SECTION

WAC 388-148-1460 How do I prepare for a natural disaster or emergency? (1) You must develop an evacuation plan in case of a fire, natural disaster or other emergency. The plan must include:

(a) An evacuation floor plan, identifying exit doors and windows;

(b) Action to take for evacuating your home that ensures responsibility for the children; and

(c) A plan for notification regarding the whereabouts and well-being of the children following the evacuation.

(2) You must share this plan with your licensor and update the plan when circumstances in your home change. The emergency plan will be based on the type of children in your care, and the conditions of your home and property. Evacuation plans may change based on the developmental level and behaviors of children living in your home.

(3) Your required plan for natural disasters should include supplies of food, water, medications and other necessary supplies.

(4) Emergency evacuation drills shall be practiced at least quarterly with children in your home. You must review evacuation procedures with every child when he or she is placed in your home.

NEW SECTION

WAC 388-148-1465 What other emergency fire and safety requirements must I follow to become licensed? (1) You must observe all state and local fire codes (WAC 212-12-005). We will determine that reasonable fire safety standards exist in your home based on the children placed in your home.

(2) Children must be able to escape from every floor in your home. In most cases, this includes a functional fire ladder available from upper stories.

(3) Windows must open to the outside and be large enough for a rescue person to enter and exit wearing rescue gear.

(4) You must have easy access to all rooms in your home in case of emergency.

(5) We may require you to have an inspection by WSP/FPB or the local fire authority if we have questions about fire safety, or if local ordinances or WSP/FPB require these inspections.

(6) Your home must have smoke detectors in operating condition to protect sleep areas, play areas and the basement. You must install and maintain smoke detectors according to manufacturer's specifications.

(7) You must have at least one approved 2A10BC-rated 5lb or larger all-purpose fire extinguisher readily available at all times. You must maintain and service fire extinguishers according to manufacturer's specifications.

(8) Barriers are required for fireplaces, wood stoves and other heating systems if you are licensed for children less than six years of age. You must not leave open-flame devices unattended or use them incorrectly.

(9) Emergency vehicles must be able to access your home. Your address must be clearly visible on your home or mailbox so that emergency personnel can easily find your home.

NEW SECTION

WAC 388-148-1470 What are the general requirements for bedrooms? (1) Each child shall have a bedroom, approved by the licensor, with privacy and space that is appropriate and adequate to meet the child's developmental needs. Children may share bedrooms, in compliance with WAC 388-148-1475.

(2) Each bedroom must have unrestricted direct access to outdoors as well as one direct access to common use areas such as hallways, corridors, living rooms, day rooms, or other such common use areas.

(3) You must not use hallways, kitchens, living rooms, dining rooms, and unfinished basements as bedrooms.

(4) Children must not be required to pass through private bedroom space in order to access common areas of the home.

(5) An adult must be on the same floor or within easy hearing distance and access to where children under six years of age are sleeping.

(6) You must provide an appropriately sized separate bed for each child with clean bedding, and a mattress in good condition.

(7) Some children may soil the bed, and you may need to plan accordingly. You must provide waterproof mattress covers or moisture-resistant mattresses if needed. Each child's pillow must be covered with waterproof material or be washable.

(8) You must provide an infant with a crib that ensures the safety of the infant, and complies with chapter 70.111 RCW, Consumer Product Safety Improvement Act of 2008. These requirements include:

(a) A maximum of 2 3/8" between vertical slats of the crib;

(b) Cribs, infant beds, bassinets, and playpens must have clean, firm, snug-fitting mattresses covered with waterproof material that can be easily disinfected and be made of wood, metal, or approved plastic with secure latching devices; and

(c) You must not use crib bumpers, stuffed toys and pillows with sleeping infants unless advised differently by the child's physician.

(9) You must place infants on their backs for sleeping, unless advised differently by the child's physician.

(10) You must not allow children to use the loft style beds or upper bunks if the child is vulnerable due to age, development or condition. Examples: Preschool children, expectant mothers, and children with a disability.

(11) You must assure that children have access to clean clothing that is appropriate to their age. You must provide safe storage of children's clothing and personal possessions.

NEW SECTION

WAC 388-148-1475 What are the requirements for sharing bedrooms? (1) Shared bedrooms must provide enough floor space for the safety and comfort of children.

(2) Foster teen parents may sleep in the same room with their children. When a teen parent and his/her infant sleep in the same room, the room must contain at least eighty square feet of usable floor space. You must allow only one parent and infant(s) to occupy a bedroom.

(3) No more than four children shall sleep in the same room. This includes foster children and any other children.

(4) Children over age one may share a bedroom with an adult who is not the child's parent only if the child's physician authorizes it in writing.

(5) Foster children may not share the same bedroom with a child of another gender unless all children are under age six.

(6) A youth placed in the extended foster care program may not share a bedroom with a youth younger than ten years of age.

(7) An exception may be granted to 388-148-1475 (3) through (6) with an administrative approval if it is supported by the licensor and the child(ren)'s DSHS worker, and is in the best interest of the child.

NEW SECTION

WAC 388-148-1480 What are the requirements for animals? (1) All animals on your property must be safe and properly cared for in a sanitary manner.

(2) You must comply with city, county, state and federal statutes and regulations regarding:

- (a) Animal safety;
- (b) Vaccinations; and
- (c) Standard veterinary care.

(3) You may not have an animal in your home or on your premises that is dangerous to children in care.

(4) We have the discretion to limit the type and number of household pets and animals if we determine that there are risks to the children in your care.

(5) All pet medications must be kept in a separate locked container.

NEW SECTION

WAC 388-148-1485 Under what conditions may I have alcoholic beverages or marijuana on my property?

You may have alcoholic beverages or marijuana on your property as long as they are not accessible to people under the age of twenty-one.

NEW SECTION

WAC 388-148-1490 May I have illegal drugs on my property? You must not have illegal drugs on your property and/or in your possession.

NEW SECTION

WAC 388-148-1495 What are the requirements for smoking around children? (1) You must not allow smoking in your home. You may not smoke in motor vehicles when children are present.

(2) You may permit adults to smoke outdoors away from children in accordance with RCW 70.160.075.

(3) These requirements do not apply to traditional or spiritual Native Alaskan/Native American or religious ceremonies involving the use of tobacco.

NEW SECTION

WAC 388-148-1500 Under what conditions may I have guns and weapons on my property? (1) You must notify your licensor if you or someone else in your home has a gun or weapon on the property. This includes but is not limited to BB guns, pellet guns, air rifles, stun guns, antique guns, handguns, rifles, shotguns and archery equipment.

(2) Guns and ammunition must not be accessible to children, and must be kept in locked containers with guns and ammunition locked separately.

(3) You must unstring or unload other types of dangerous weapons, and store them in locked containers out of reach of children.

(4) If you store guns in a container that may be easily breakable, you must secure them with a locked cable or chain placed through the trigger guards.

(5) Whenever possible, we encourage you to equip guns with a trigger guard lock.

(6) You must keep keys to the locked storage area of weapons secure from children.

(7) Children may use a gun only if the child's worker approves and the youth and supervising adult has completed an approved gun or hunter safety course.

NEW SECTION

WAC 388-148-1505 What must I do to prevent the spread of infections and communicable diseases? (1) You must notify your licensor if you or any adults living in your home have been exposed to someone with tuberculosis or if a health care provider recommends testing.

(2) Retesting for license renewals is not required unless the above conditions apply.

(3) You must promote personal hygiene to help prevent the spread of germs in your home such as washing hands after smoking, changing diapers, using the toilet, touching animals, playing outside or before preparing food or eating.

(4) If you care for medically fragile children, you may use in-home nursing services to consult on additional infection control procedures.

NEW SECTION

WAC 388-148-1510 What requirements do I need to follow when I transport children? (1) When you transport children in your care you must follow these requirements:

(a) The vehicle must be kept in a safe operating condition;

(b) The driver must have a valid driver's license;

(c) The driver or owner of the vehicle must be covered under an automobile liability insurance policy;

(d) The vehicle must be equipped with seat belts, car seats and booster seats, and/or other appropriate safety devices for all passengers as required by law;

(e) The number of passengers must not exceed the vehicle's seat belts; and

(f) Each person in the vehicle must use an individual seat belt or approved child passenger restraint system whenever the vehicle is in motion, and follow the law regarding placement of children in vehicles.

NEW SECTION

WAC 388-148-1515 What are the requirements regarding food? (1) Food served to children in your care must meet their nutritional and developmental needs, with a variety of options for adequate nutrition and meal enjoyment.

(2) Children's cultural needs should also be considered when planning meals.

(3) All home-canned foods must be preserved following published procedures and you must be able to provide the printed published procedures that you followed.

(4) Before you modify a child's diet, you must obtain written authorization from a physician for children under the age of ten years.

(5) The milk or milk products you serve must be pasteurized. Children between the ages of twelve and twenty-four months must receive whole milk unless you have written authorization from a physician not to serve whole milk.

(6) Children under the age of twelve months must receive formula or breast milk unless the child's physician authorizes a different diet.

(7) Before serving a child breast milk you must have approval of the child's DSHS worker, physician, parent or guardian. If breast milk is provided by anyone other than a baby's biological mother, it must be obtained through a licensed breast milk bank.

(8) When you are using bottles to feed infants, you must sterilize and use them according to product standards and commonly acceptable practices. You must refrigerate filled bottles if you do not use them immediately, and you must empty the bottle if not used within twenty-four hours.

(9) To prevent burns, formula must not be warmed in a microwave oven in the bottle that will be used for feeding the infant.

Services To Children

NEW SECTION

WAC 388-148-1520 What services am I expected to provide for children in my care? (1) You must make all reasonable efforts to ensure that children are not abused or neglected per RCW 26.44.020(1) and chapter 388-15 WAC.

(2) You must provide and arrange for care that is appropriate for the child's age and development including:

- (a) Emotional support;
- (b) Nurturing and affection;
- (c) Structured daily routines and living experiences; and
- (d) Activities that promote the development of each child. This includes cultural and educational activities in your home and the community.

(3) In caring for infants and young children you must:

- (a) Hold infants, under the age of six months, for all bottle feedings;
- (b) Hold infants at other times for the purposes of comfort and attention; and

(c) Allow children plenty of free time outside of a swing, crib or playpen.

(4) In caring for youth enrolled and participating in the extended foster care program you must:

(a) Provide a youth opportunity and support for achieving independence; and

(b) Allow a youth responsibility for their actions.

(5) Before making significant changes in a child's appearance, you must consult with the child's DSHS worker. These significant changes include, but are not limited to, body piercing, tattoos and major changes in hairstyle or color.

(6) You must follow all state and federal laws regarding nondiscrimination while providing services to children in your care. You must treat foster children in your care with dignity and respect regardless of race, ethnicity, culture, sexual orientation and gender identity.

(7) You must connect a child with resources that meets a child's needs regarding race, religion, culture, sexual orientation and gender identity. These include cultural, educational and spiritual activities in your home and community including tribal activities within the child's tribal community or extended tribal family. Your licensor, the child's DSHS worker or CPA case manager and/or child's tribal ICW case manager can assist you with identifying these resources.

(8) You must be sensitive to a child's religion or spiritual practices. You must provide adequate opportunity for religious or spiritual training and participation appropriate to the child's spiritual beliefs. You may not require any child to participate in practices against their beliefs.

(9) You must provide for the child's physical needs. This includes adequate hygiene, nutritional meals and snacks, and readily available drinking water. This also includes a balanced schedule of rest, active play, and indoor and outdoor activity appropriate to the age of the child in care.

(10) You must guide the child to develop daily living skills according to the child's abilities and development. This may include assigning daily chores to children.

NEW SECTION

WAC 388-148-1525 What are the educational and vocational instruction requirements for children in care?

(1) You must meet the following requirements for providing education and vocational instruction to the children under your care. For each child you must:

(a) Follow the educational plan approved by the child's DSHS worker;

(b) Support the child in regular school attendance. If a child is absent from school you must follow the school's reporting requirements. Notify the child's DSHS worker if the child is absent from school more than three consecutive school days;

(c) Receive approval from the child's DCFS worker prior to making any changes to a child's educational plan;

(d) Support the child's educational plan by providing each child with necessary school supplies and a suitable place to study;

(e) Develop a transportation plan with the child's DSHS worker to ensure school attendance; and

(f) Encourage older youth to pursue a post-secondary education when appropriate.

NEW SECTION

WAC 388-148-1530 Can children participate in everyday activities under my care? (1) You may decide what family or community activities are appropriate for foster children. These activities must be appropriately supervised and may not interfere with visitation with the child's parents.

(2) Children may participate in family, community or friend social activities, organized sports activities, or field trips. Overnight stays over seventy-two hours requires DSHS worker approval. Any activities requiring travel must comply with WAC 388-148-1435.

(3) All high risk activities, including the use of power driven machines or other hazardous equipment, must be properly supervised by an adult. When participating in high risk activities, children must:

(a) Be instructed on, and required to use appropriate safety equipment, such as helmets and life vests; and

(b) Be in continuous visual or auditory range at all times, unless approved by the child's DSHS worker.

(4) It may be appropriate for some children to obtain employment when:

(a) Laws regarding minors working are followed; and

(b) The child's work does not interfere with school.

(5) Youth may obtain a driver's license if you agree to act as the "parent/guardian" for the purposes of the Intermediate Driver's License Law. If you act in this capacity for the youth, you will also be responsible for the child's insurance until the child reaches eighteen years of age or another responsible adult assumes financial liability risks for the child.

NEW SECTION

WAC 388-148-1535 Can I provide care to youth enrolled in the extended foster care program? (1) You can serve youth enrolled in the extended foster care program if you meet the requirements in WAC 388-25-0500 to 388-25-0548. The youth enrolled and participating in the extended foster care program are considered children only for the purposes of the dependency. Otherwise the youth has the legal status and legal rights of an adult. The youth is responsible for his or her actions, including:

(a) Purchases;

(b) Driving;

(c) Traveling; or

(d) Financial obligations.

NEW SECTION

WAC 388-148-1540 What privacy must I provide for children in my care? (1) You must assure the right to privacy of personal mail, electronic mail, and phone calls unless:

(a) We ask you to provide monitoring; or

(b) The court approves implementation of the monitoring as part of the child's case plan.

(2) CA prohibits the use of video and audio monitoring of children in foster homes unless all of the following are met:

(a) The DLR administrator grants approval for the use of an electronic monitoring device in your facility following a request by the child's DSHS worker;

(b) The court approves implementation of the monitoring as part of the child's case plan; and

(c) You maintain a copy of the approval.

(3) The prohibition of audio or visual monitoring does not include monitoring of the following:

(a) Infants and toddlers;

(b) Medically fragile or sick children;

(c) Video recording equipment to document actions of a child as directed in writing by the child's physician;

(d) Video recording for special events such as birthday parties or vacations; or

(e) The use of door or window alarms or motion detectors.

NEW SECTION

WAC 388-148-1545 What belongings will foster children take when they leave my home? (1) You must permit a child who leaves your home to take their personal belongings with them. This includes belongings the child brought with them and acquired in your care, such as clothing,

mementos, bicycles, gifts, and any saved money.

(2) If it is not possible for the child to take their belongings at the time they leave, you are required to secure them for up to thirty days and cooperate with the child's DSHS worker to transfer them to the child, as soon as possible.

NEW SECTION

WAC 388-148-1550 What medical and dental care must I provide to children? (1) You must ensure that children receive appropriate medical and dental care.

(2) You must make sure children have routine medical, dental, and vision care, and receive transportation to and from these scheduled appointments.

(3) You must arrange for an early and periodic screening, diagnosis and treatment (EPSDT) exam for children who are in your care for more than thirty days, if that child has not had an EPSDT exam in the thirty days prior to entering out-of-home care. EXCEPTION: Children placed by DDA through a voluntary placement agreement. (For children placed by DDA, follow the direction of DDA regarding the need for an EPSDT exam after placement.) In addition, you must ensure that each child in your care has an EPSDT exam annually.

(4) You must obtain and follow instructions from the child's medical provider if you give medication or treatment, and use medications as prescribed per the medication label. Prescription or over-the-counter medications shall be clearly labeled.

(5) You must make plans to respond to illness and emergencies, including serious injuries and contact with toxic or poisonous substances.

(6) You must immediately call 911 in a life-threatening emergency and notify:

- (a) The child's DSHS worker or CPA case manager and/or child's tribal ICW case manager; and
- (b) Your licensor.
- (7) You must have first aid supplies available in your home including:
 - (a) Protective non-latex gloves;
 - (b) Bandages;
 - (c) Scissors and tweezers;
 - (d) Ace bandage;
 - (e) Gauze; and
 - (f) Non-breakable and mercury-free thermometer.
- (8) One-way resuscitation masks are recommended but not required.

NEW SECTION

WAC 388-148-1555 What are the immunization requirements? (1) Children placed in your home by the department are required to be immunized according to the Advisory Committee on Immunization Practices of the Centers for Disease Control (ACIP/CDC) as established in the Recommended Immunization Schedule for Persons Aged 0-18 Years, United States, 2012 and as amended each subsequent year, except for rotavirus and human papillomavirus.

(2) If a child who has not received all recommended immunizations is placed in your care, you must take the child to a health care provider as soon as medically possible for catch-up immunizations according to the ACIP/CDC catch-up schedule.

(3) We recommend that you have pertussis and influenza immunizations. The department will not license you to serve foster children under the age of two, without proof of pertussis and influenza immunizations for all people living in your home.

(4) You must contact each child's DSHS worker and your licensor if a serious infection or a communicable disease is a threat to the children in your care. The department may remove a foster child from your home when the threat of a serious infection or communicable disease creates a risk to the health of any child placed in your home.

NEW SECTION

WAC 388-148-1560 What are the requirements for obtaining consent for emergent and routine medical care?

(1) The department is the legal custodian for children it places in care. We have the authority to consent to emergent and routine medical services on behalf of a child under the age of eighteen. Youth in care over the age of eighteen must consent to their own medical care or have an identified person who has been granted the legal authority to consent on their behalf. We delegate some of the authority to providers. You must contact the child's DSHS worker or children's administration intake for specific information for each child.

(2) If you care for children in the custody of another agency, tribal court or other court, you must follow the direction of that agency or court regarding permission to provide consent for medical care.

(3) In case of medical emergency, contact the child's DSHS worker or children's administration intake as soon as possible.

(4) It is your responsibility to ensure that a child receives the necessary medical attention if injured or harmed. In the event of a life-threatening medical emergency, you must contact 911 prior to transporting the child to a medical facility.

NEW SECTION

WAC 388-148-1565 How must medications be stored? (1) Prescription and over the counter medications must be kept in a locked container.

(2) Internal and external medication must be stored separately.

(3) Human medication and animal medication must be kept separate and in locked containers.

NEW SECTION

WAC 388-148-1570 Who may access stored medications? Only you or another authorized care provider (such as a respite provider) is allowed to have access to medications for a child in your care except as noted in WAC 388-148-1580.

NEW SECTION

WAC 388-148-1575 What are other requirements for medications? (1) You must keep a written record of all prescription medications and the dates given for the children in care. This list must go with the child when a child leaves your home.

(2) You must notify the child's DSHS worker of changes in prescribed medications.

(3) You must give prescription and over the counter medications as specified on the medication label or as prescribed by persons legally authorized to prescribe medication. This includes herbal supplements and remedies, vitamins, or minerals.

(4) You must give children non-prescription medication according to product instructions and seek medical advice regarding possible interactions with a child's other prescription and non-prescription medications.

NEW SECTION

WAC 388-148-1580 Can children take their own medications? (1) You may permit children under your care to take their own medicine as long as:

(a) They are physically and mentally capable of properly taking the medication; and

(b) You obtain and keep written approval by the child's DSHS worker in your records.

(2) When a child is taking their own medication, the medication and medical supplies must be kept locked or inaccessible to unauthorized persons.

NEW SECTION

WAC 388-148-1585 Can I use medication for behavior control? You must not use medication for behavior control, unless prescribed for that purpose by a physician or another person legally authorized to prescribe medication.

NEW SECTION

WAC 388-148-1590 Can I choose to give prescribed medications, including psychotropic medication? (1) You must not start or stop giving a child's prescribed medication without approval from the child's physician.

(2) In addition to the physician, you must coordinate starting or stopping a child's psychotropic medication with the child's social worker. The social worker may need to obtain consent from the child age thirteen and older, the parent, or the court.

(3) You must not give medications to a child that has been prescribed for someone else.

NEW SECTION

WAC 388-148-1595 Can I accept prescription medication from a child's parent or guardian? (1) The only medication you may accept from the child's parent, guardian, or responsible relative is medicine in the original container labeled with:

- (a) The child's first and last name;
- (b) The date the prescription was filled;
- (c) The medication's expiration date; and
- (d) Readable instructions for administration (manufacturer's instructions or prescription label) of the medication.

(2) You must notify the child's DSHS worker when you receive a new prescription from a child's parent or guardian before giving it to the child.

NEW SECTION

WAC 388-148-1600 What is respite care? (1) Respite care is provided by someone who is approved by the department and is paid to care for the foster children or provide relief for the foster parents. If the person provides care in their own home, they must be licensed. A non-licensed respite care provider caring for a child(ren) in your home must follow the requirements to become a DLR certified respite provider.

(2) You may arrange respite care to provide substitute care in your absence, or to support you as part of a child's case plan. If you use a respite care provider, you should seek prior approval from the child's DSHS worker or CPA case manager and/or child's tribal ICW case manager.

NEW SECTION

WAC 388-148-1605 Who can watch my foster child when I am away from home? (1) You may use a respite provider as defined in WAC 388-148-1600.

(2) You may also use a friend or relative as a substitute care provider for foster children without arranging for a background check. Care provided on an occasional basis, for less than seventy-two hours, will be at your own expense. This may occur when you have no reason to suspect the substitute care provider would be a risk to children, or has no founded child abuse or neglect history or criminal history that would disqualify them from caring for children. You must also:

- (a) Be familiar and comfortable with the person who will be caring for the child;

(b) Meet with the substitute care provider and review the expectations regarding supervision and discipline of the foster children;

(c) Be responsible for providing the care provider any special care instructions; and

(d) Tell the substitute care provider how to contact you in case of an emergency.

(3) If the care by the substitute care provider is a regular arrangement, you must have written approval from the child's worker. The person must provide evidence of a cleared background check and meet additional requirements for members of the household as defined in WAC 388-148-1320.

(4) Based on the special needs of a child, the DSHS worker may require the substitute care provider to have additional skills or training.

(5) Teenagers, age sixteen and seventeen, who meet all requirements stated in this section, may supervise no more than three foster children.

(6) Foster children may provide short-term babysitting for children not in foster care. Sexually aggressive and physically assaultive youth may not babysit other children.

Behavior ManagementNEW SECTION

WAC 388-148-1610 What are the requirements for supervising children in my care? (1) You must provide and arrange for adult supervision that is appropriate for the child's age and development.

(2) For each child in your care you must:

(a) Provide personal attention to the child(ren), and additional supervision as needed and required by us; and

(b) Advise the child's DSHS worker about your plan for supervision of children in your care if you work outside the home. You will also provide a general plan to your licensor during the licensing process.

(3) When supervising children you must not:

(a) Leave children under five years of age and children with intellectual and developmental disabilities unattended in a bathtub or shower; or

(b) Use cribs, bassinets, cradles, playpens and swings as a substitute for supervising or one-on-one play with infants and young children.

(4) You are encouraged to obtain and follow a written supervision plan for every child in your care from the child's DSHS worker or CPA case manager and/or tribal ICW case manager.

NEW SECTION

WAC 388-148-1615 What are the requirements for disciplining children? (1) You must use discipline that is appropriate to the child's age and level of development.

(2) You must establish limits and use positive methods of guidance that promote self-control, self-responsibility, self-direction, self-esteem and cooperation.

(3) Positive methods include:

(a) Directing children to another activity;

(b) Giving choices when appropriate;

- (c) Time out as a method of guidance, allowing the child time to change his/her behavior;
 - (d) Planning in order to prevent problems; and
 - (e) Using positive reinforcement and encouraging children to express their feelings and ideas.
- (4) You must not use physical punishment or verbally abusive, neglectful, humiliating or frightening punishment which includes but is not limited to:
- (a) Spanking;
 - (b) Cursing;
 - (c) Threats, humiliation or intimidation; and
 - (d) Locked time-out rooms or methods that interfere with a child's basic needs, including withholding of food.
- (5) You and authorized care providers are responsible for discipline; you may not give that responsibility to a child.
- (6) You must allow a child needed services, including contact with the child's DSHS worker, legal representatives, legal parents or other family members.
- (7) You will develop a written plan for disciplining children with your licensor and you must follow that plan.

NEW SECTION

WAC 388-148-1620 When may a child be restrained? (1) You may use physical restraint when a child's behavior poses an immediate risk to physical safety. The restraint must be reasonable and necessary to:

- (a) Prevent a child from harming self or others; or
 - (b) Protect property from serious damage.
- (2) You must not use physical restraint as a form of punishment or discipline. You must not use mechanical restraints such as handcuffs and belt restraints unless ordered by the child's physician. You must not use physical restraint that restricts breathing, inflicts pain to manage behavior, or is likely to cause injury that is more than temporary. This includes, but is not limited to:
- (a) Restriction of movement by placing pressure on joints, chest, heart, or vital organs;
 - (b) Sleeper holds, which are holds used by law enforcement officers to subdue a person;
 - (c) Arm twisting;
 - (d) Hair holds;
 - (e) Choking or putting arms around the throat; or
 - (f) Chemical restraints, such as pepper spray.
- (3) You must document your use of physical restraint and send a copy to the child's DSHS worker within forty-eight hours. If you are supervised by a child-placing agency you must contact the case manager and keep a copy of the documentation on the premises.
- (4) When you have to use physical restraints on a regular basis, you must get prior written approval from the child's DSHS worker as well as verbal or written approval by DLR.

Rule Violations and Corrective Actions

NEW SECTION

WAC 388-148-1625 Will you license or continue to license me if I violate licensing requirements? (1) We may modify, deny, suspend or revoke your license when:

- (a) You do not meet the licensing requirements in this chapter;
 - (b) You or others in your home may not have unsupervised access to children;
 - (c) We have determined that you have abused or neglected a child;
 - (d) You are unable to manage your property and financial responsibilities; or
 - (e) You cannot provide for the safety, health and well-being of the children in your care.
- (2) We will send you a certified letter telling you of the decision to modify, deny, suspend or revoke your license. In the letter, we will also tell you what you need to do if you disagree with the decision.
- (3) The department has jurisdiction over all foster home licenses and over all holders of and applicants for licenses as provided in RCW 74.15.030(5). This jurisdiction is retained even if you request to withdraw the application, or you surrender or fail to renew your license.

NEW SECTION

WAC 388-148-1630 Are there exceptions made if I do not meet the licensing requirements? (1) We may make exceptions and license or continue to license you if you do not meet the minimum licensing requirements if we find that you can provide for the safety, health and well-being of children in your care.

- (2) In addition, we may limit or restrict your license and/or require you to enter into a compliance agreement to ensure the safety and well-being of the children in your care.
- (3) You must keep a copy of the approved exception to the licensing requirements for your files.
- (4) You do not have appeal rights if the department denies your request for an exception to the licensing requirements.

NEW SECTION

WAC 388-148-1635 Can people living in my home be disqualified from having access to the children in my care? (1) The department must disqualify people living in your home if they do not meet the requirements of chapter 388-148 WAC, or cannot have unsupervised access to children because of their background check (chapter 388-06 WAC).

- (2) We will notify you if a person in your home is disqualified from having unsupervised access to children. This could also lead to denial, suspension or revocation of your license.

NEW SECTION

WAC 388-148-1640 Are there any other reasons that might cause me to lose my license? (1) We may suspend or revoke your license if you:

- (a) Have foster children in your home for whom you are not licensed, without approval by your licensor. This includes having more children, or children of different ages or gender than your license allows;

(b) Do not provide a safe, healthy and nurturing environment for children in your care; or

(c) Do not meet any of the other licensing requirements.

(2) Do not meet the health and safety requirements of the department of health and/or the Washington state patrol fire protection bureau, if required.

NEW SECTION

WAC 388-148-1645 What can I do if I disagree with your decision to modify, deny, suspend or revoke my license, or to disqualify my background check? (1) You have the right to request an administrative hearing if you disagree with any of these actions. You must request this hearing within twenty-eight calendar days of receiving a certified letter with our decision (see chapter 34.05 RCW and chapter 388-02 WAC). To request a hearing you must send a letter to the office of administrative hearings, P.O. Box 42489, Olympia Washington 98504-2456, 1-800-583-8271. The letter must have the following:

(a) A specific statement why you disagree with our decision and any laws you believe are related to your claim; and

(b) A copy of the certified letter we sent to modify, revoke, suspend, or deny your license or to disqualify your background check.

NEW SECTION

WAC 388-148-1650 How do I appeal the decision of the office of administrative hearings' administrative law judge? (1) The decision of the administrative law judge is the final decision of the department unless you or the department files a petition for review with DSHS board of appeals within twenty-one calendar days after the administrative law judge's decision is mailed to the parties.

(2) The procedure for requesting or responding to a petition for review with the board of appeals is described in WAC 388-02-0560 through WAC 388-02-0635.

(3) We will not appeal decisions made by the board of appeals.

(4) If you disagree with the board of appeals, you may file a petition in Superior Court and ask for further review. (RCW 34.05.510 to 34.05.598)

NEW SECTION

WAC 388-148-1655 Can I be issued a probationary license? (1) We may issue a probationary license as part of a corrective action plan with you.

(2) We will consider the following when deciding whether a probationary license will be issued:

(a) An intentional or negligent violation of licensing requirements;

(b) A history of violation of licensing requirements;

(c) A current violation of licensing requirements;

(d) Whether you are making a good faith effort to comply; and

(e) Any other factors relevant to the specific situation.

(3) A probationary license may be issued for up to six months. At our discretion, we may extend the probationary

license for an additional six months. You may not appeal our decision not to issue a probationary license.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-148-0005 What is the purpose of this chapter?
- WAC 388-148-0010 What definitions do I need to know to understand this chapter?
- WAC 388-148-0015 Am I required to have a license to provide care to children?
- WAC 388-148-0020 When is a license not required if I provide care to children?
- WAC 388-148-0025 How do you decide how many children I may serve in my home or facility?
- WAC 388-148-0030 How old do I have to be to apply for a license to provide care to children?
- WAC 388-148-0035 What personal characteristics do I need to provide care to children?
- WAC 388-148-0040 What first-aid and cardiopulmonary resuscitation (CPR) training is required?
- WAC 388-148-0045 What HIV/AIDS and bloodborne pathogens training is required?
- WAC 388-148-0050 How do I apply for a license?
- WAC 388-148-0055 How long do I have to complete the licensing application packet?
- WAC 388-148-0058 May I receive more than one in-home family license?
- WAC 388-148-0060 May my relative or I be certified by a child-placing agency to be a foster parent and be an employee of that same agency?
- WAC 388-148-0065 When may I be certified to provide care to children?
- WAC 388-148-0070 Is there a difference between licensing and certification?
- WAC 388-148-0075 May I be licensed with the department and certified by a child-placing agency at the same time?
- WAC 388-148-0080 What may I do if I disagree with the decision of a child-placing agency that I do not meet the licensing requirements?
- WAC 388-148-0085 Will the department license or continue to license a home or facility if the home or facility does not meet the licensing requirements?

- WAC 388-148-0090 Does the department issue probationary license?
- WAC 388-148-0095 When are licenses denied, suspended or revoked?
- WAC 388-148-0098 When is an employee or volunteer disqualified from having unsupervised access to a child in a licensed home, facility, or agency?
- WAC 388-148-0100 Are there any other reasons that might cause me to lose my license?
- WAC 388-148-0105 How do you notify me if you have modified, denied, suspended, or revoked my license?
- WAC 388-148-0110 What may I do if I disagree with your decision to modify, deny, suspend or revoke my license?
- WAC 388-148-0115 May I appeal the decision of the office of administrative hearings' administrative law judge?
- WAC 388-148-0120 What incidents involving children must I report?
- WAC 388-148-0123 What are my reporting responsibilities when a child is missing from care?
- WAC 388-148-0125 What are your requirements for keeping client records?
- WAC 388-148-0127 What are the requirements for information kept in facility logs for staffed residential homes and group care programs?
- WAC 388-148-0130 What information may I share about a child or a child's family?
- WAC 388-148-0135 What changes to my home or facility must I report to my licensor?
- WAC 388-148-0140 What personnel policies must I have?
- WAC 388-148-0145 Where do I post my license?
- WAC 388-148-0150 Are local ordinances part of the licensing requirements?
- WAC 388-148-0155 What physical structure safety requirements must my home or facility meet?
- WAC 388-148-0160 What measures must I take for pest control?
- WAC 388-148-0165 What are the requirements regarding the location of my home or facility?
- WAC 388-148-0170 What steps must I take to ensure children's safety around outdoor bodies of water?
- WAC 388-148-0175 What are your requirements regarding pets and animals in my home or facility?
- WAC 388-148-0180 Are alcoholic beverages or illegal drugs allowed at my home or facility?
- WAC 388-148-0185 Is smoking permitted around children?
- WAC 388-148-0190 May I have firearms in my home or facility?
- WAC 388-148-0195 What are your requirements for storing dangerous chemicals or other substances?
- WAC 388-148-0200 Do I need first-aid supplies?
- WAC 388-148-0205 What requirements are there for the storage of medications?
- WAC 388-148-0210 What requirements do I need to follow when I transport children?
- WAC 388-148-0215 May I use wheeled baby walkers?
- WAC 388-148-0220 What fire safety requirements must I follow to qualify for a license?
- WAC 388-148-0225 What fire safety requirements are there for exits?
- WAC 388-148-0230 Are there other fire safety requirements for inside a foster home or staffed residential home licensed for five or fewer children?
- WAC 388-148-0235 What are the requirements for smoke detectors for foster homes and staffed residential homes licensed for five or fewer children?
- WAC 388-148-0240 What are the requirements for fire extinguishers in homes and facilities?
- WAC 388-148-0245 What fire escape measures must be taken for multilevel homes and facilities?
- WAC 388-148-0250 What fire safety instructions must I give to children residing in a home or staffed residential home licensed for five or fewer children?
- WAC 388-148-0255 What are the requirements for a fire evacuation plan?
- WAC 388-148-0260 What are the general requirements for bedrooms?
- WAC 388-148-0265 What are additional requirements for bedrooms for more than one person?
- WAC 388-148-0270 What are the requirements for beds?
- WAC 388-148-0275 Do I need a telephone at my home or facility?
- WAC 388-148-0280 What are the lighting requirements for my home or facility?
- WAC 388-148-0290 What does the room temperature for my home or facility need to be?

- WAC 388-148-0300 How must I ventilate my home or facility?
- WAC 388-148-0305 What are the requirements for laundry facilities?
- WAC 388-148-0310 What are the requirements for washing clothes?
- WAC 388-148-0315 What are the requirements for toilets, sinks, and bathing facilities?
- WAC 388-148-0320 What are the requirements about drinking water?
- WAC 388-148-0325 What are the requirements for sewage and liquid wastes?
- WAC 388-148-0330 Am I required to obtain a child's health history?
- WAC 388-148-0335 When must I get an EPSDT exam for a child under my care?
- WAC 388-148-0340 What are the requirements for immunizations for children?
- WAC 388-148-0345 What must I do to prevent the spread of infections and communicable diseases?
- WAC 388-148-0350 What are the requirements for obtaining consent for medical care for children under my care?
- WAC 388-148-0352 What are the requirements for the management of medication for children in my care?
- WAC 388-148-0355 May I accept medicine from a child's parent or guardian?
- WAC 388-148-0365 When may children take their own medicine?
- WAC 388-148-0370 What food and meal guidelines must I follow?
- WAC 388-148-0375 How often must I feed children?
- WAC 388-148-0380 How do I handle a child's special diet?
- WAC 388-148-0385 Are there special requirements for serving milk?
- WAC 388-148-0390 What home-canned foods may I use?
- WAC 388-148-0395 What requirements must I meet for feeding babies?
- WAC 388-148-0400 What are the requirements for diapers and diaper-changing areas?
- WAC 388-148-0405 Do I have responsibility for a child's clothing?
- WAC 388-148-0405 Do I have responsibility for a child's clothing?
- WAC 388-148-0410 May a child take personal belongings after being discharged from a home or facility?
- WAC 388-148-0415 Do I have responsibility for a child's personal hygiene?
- WAC 388-148-0420 What are the requirements for protecting a child under my care from abuse and neglect?
- WAC 388-148-0422 What are the requirements for privacy for children in out-of-home placements?
- WAC 388-148-0425 What are the requirements about non-discrimination?
- WAC 388-148-0425 What are the requirements about non-discrimination?
- WAC 388-148-0430 May I take a foster child to church services, temple, mosque or synagogue?
- WAC 388-148-0435 Do I have to admit or retain all children?
- WAC 388-148-0440 What must I consider in assigning work to children in my home or facility?
- WAC 388-148-0445 What toys and activities must I provide to children?
- WAC 388-148-0460 What requirements do you have for supervising children?
- WAC 388-148-0470 What types of disciplinary practices are forbidden?
- WAC 388-148-0475 Do you require a written statement describing my discipline methods?
- WAC 388-148-0480 When may a child be restrained?
- WAC 388-148-0485 What types of physical restraint are not acceptable for children?
- WAC 388-148-0487 Are there requirements for time-out or quiet rooms?
- WAC 388-148-0488 Are time-delay mechanisms allowed on windows and doors of a facility or staffed residential home licensed for six?
- WAC 388-148-0490 What must I do following an incident that involved using physical restraint?
- WAC 388-148-0505 What services must a foster parent be able to provide?
- WAC 388-148-0510 What educational support must I provide to children under my care?
- WAC 388-148-0515 What is the minimum age to be a foster parent?
- WAC 388-148-0520 What are the training requirements for foster parents and prospective foster parents?
- WAC 388-148-0525 How many children may my foster home serve?

- WAC 388-148-0530 May I be employed if I am a foster parent?
- WAC 388-148-0535 Do I need to have income separate from foster care payments?
- WAC 388-148-0540 When may I use respite care?
- WAC 388-148-0541 Excluding respite care, who may provide care to a foster child in the foster home when the foster parent is away from the home?
- WAC 388-148-0542 May a foster child be supervised by someone under eighteen in the foster home?
- WAC 388-148-0545 May I place my foster child with another family temporarily?
- WAC 388-148-0550 May my foster children participate in routine activities without a licensed provider supervising the activity?
- WAC 388-148-0555 Do I need a social summary for children under my care?
- WAC 388-148-0560 Do I need a treatment plan for children under my care?
- WAC 388-148-0565 Do you need to approve the program that I offer for children under my care?
- WAC 388-148-0570 What education and vocational instruction must I provide to the children under my care?
- WAC 388-148-0575 What medical policies and procedures must I have?
- WAC 388-148-0580 What nursing services must I provide?
- WAC 388-148-0585 What social service staff do I need?
- WAC 388-148-0590 What clerical, accounting and administrative services do I need for my home or facility?
- WAC 388-148-0595 What support and maintenance staff do I need for my home or facility?
- WAC 388-148-0600 Do I need professional consultants for my program?
- WAC 388-148-0605 Is in-service training required?
- WAC 388-148-0610 What are the required ratios of social service staff to children under care?
- WAC 388-148-0620 What safety features do I need for hazardous areas?
- WAC 388-148-0625 What other requirements must I follow for smoke detectors?
- WAC 388-148-0640 What fire safety procedures do staff of a group care facility and a staffed residential home licensed for six children need to know?
- WAC 388-148-0645 What are the requirements for fire drills and testing smoke detectors?
- WAC 388-148-0655 Are there different construction and fire safety requirements for facilities that have multiple licenses in the same building?
- WAC 388-148-0660 Do mealtimes need to be established?
- WAC 388-148-0665 Do you have general menu requirements?
- WAC 388-148-0670 What types of group care programs are licensed to provide care to children?
- WAC 388-148-0680 What basic elements must a group care program include?
- WAC 388-148-0685 Who may a group care program provider serve?
- WAC 388-148-0690 What services must I provide if I have a group care license?
- WAC 388-148-0695 Must I give a child an allowance?
- WAC 388-148-0700 What are the qualifications for an executive director for a group care program or child-placing agency?
- WAC 388-148-0705 Do I need an on-site program manager or social service staff at each group care facility?
- WAC 388-148-0710 What are the responsibilities of the on-site program manager or social service staff for a group care facility?
- WAC 388-148-0715 What qualifications must the on-site program manager, or social service staff for a group care program or a CPA program manager have?
- WAC 388-148-0715 What qualifications must the on-site program manager, or social service staff for a group care program or a CPA program manager have?
- WAC 388-148-0718 What are the responsibilities for child care staff at a group care program?
- WAC 388-148-0720 What are the qualifications for child care staff and case aides?
- WAC 388-148-0722 What are the qualifications for health care staff for a group care program or a child-placing agency caring for medically fragile children?
- WAC 388-148-0725 What is the ratio of child care staff to children in group care facilities?
- WAC 388-148-0730 Are there room requirements for group care facilities?
- WAC 388-148-0740 What are the kitchen requirements?
- WAC 388-148-0745 Who may provide maternity services?

- WAC 388-148-0750 What maternity services must I provide?
- WAC 388-148-0755 How are maternity services delivered?
- WAC 388-148-0760 Do you need to approve daily activities that I offer to expectant or new mothers?
- WAC 388-148-0765 What types of health education must I offer expectant and new mothers?
- WAC 388-148-0770 Is a group care program required to provide child care?
- WAC 388-148-0775 Do expectant and new mothers need to be under a physician's care?
- WAC 388-148-0780 What are my responsibilities if a specialist is required?
- WAC 388-148-0785 What is the proper ratio of staff to children in home or group care facilities offering maternity services?
- WAC 388-148-0790 Do you have room requirements for facilities offering maternity services?
- WAC 388-148-0795 How is capacity determined for a maternity services facility?
- WAC 388-148-0800 What is the purpose of day treatment programs?
- WAC 388-148-0805 What staff must my day treatment program have?
- WAC 388-148-0810 What consultants must my day treatment program have?
- WAC 388-148-0815 What is the ratio of counselor and teaching staff to children in a day treatment program?
- WAC 388-148-0820 What type of care is offered for medically fragile children and children with severe developmental disabilities?
- WAC 388-148-0825 Who provides services for medically fragile children and children with severe developmental disabilities?
- WAC 388-148-0830 What services must be provided for medically fragile children and children with severe developmental disabilities?
- WAC 388-148-0835 Do I need to have a multidisciplinary care plan for medically fragile children and children with severe developmental disabilities?
- WAC 388-148-0840 What must the multidisciplinary care plan for a medically fragile child or a child with severe developmental disabilities include?
- WAC 388-148-0845 What are the requirements for nurses in programs who care for medically fragile children or children with severe developmental disabilities?
- WAC 388-148-0850 When do I use a nurse?
- WAC 388-148-0855 Do I need to provide a therapy room for children with severe developmental disabilities?
- WAC 388-148-0860 Are there room requirements for group care facilities for medically fragile children less than age six?
- WAC 388-148-0865 What food requirements exist for medically fragile children and children with severe developmental disabilities?
- WAC 388-148-0870 What additional record-keeping requirements exist for medically fragile children and children with severe developmental disabilities?
- WAC 388-148-0875 What types of crisis residential centers may be licensed?
- WAC 388-148-0880 What levels of secure CRCs exist?
- WAC 388-148-0885 What are the requirements for a level-one secure CRC?
- WAC 388-148-0890 What are the requirements for a level-two secure CRC?
- WAC 388-148-0892 What are the requirements for a level three secure CRC?
- WAC 388-148-0895 May a juvenile detention center operate as a separate secure CRC program?
- WAC 388-148-0900 What youth may a CRC serve?
- WAC 388-148-0905 Can law enforcement officers place youth in secure CRCs?
- WAC 388-148-0910 What hours do CRCs have to be open?
- WAC 388-148-0915 What steps must be taken after a youth is admitted into a CRC?
- WAC 388-148-0920 What if a youth seems unlikely to remain in a regular CRC?
- WAC 388-148-0925 What happens when no space exists at a secure CRC?
- WAC 388-148-0930 How is a youth transferred from one type of CRC to another?
- WAC 388-148-0940 What does a youth's orientation to a CRC need to include?
- WAC 388-148-0945 What intervention services must be provided or arranged for by the CRC?
- WAC 388-148-0950 What behavior management practices are required for a CRC?

- WAC 388-148-0955 What is the purpose of a multidisciplinary team in a CRC?
- WAC 388-148-0960 When may a multidisciplinary team be requested?
- WAC 388-148-0965 How is a multidisciplinary team convened?
- WAC 388-148-0970 May a parent disband the multidisciplinary team?
- WAC 388-148-0975 What qualifications must a crisis residential center executive director have?
- WAC 388-148-0980 Do I need a program manager on-site at each facility?
- WAC 388-148-0985 What qualifications must the on-site program manager for a crisis residential program have?
- WAC 388-148-0990 What additional qualifications must the crisis residential center youth care staff have?
- WAC 388-148-0995 What are the ratio requirements of youth care staff to youth in crisis residential centers?
- WAC 388-148-1000 What training must staff at a crisis residential center have?
- WAC 388-148-1005 What record keeping is required for crisis residential centers?
- WAC 388-148-1010 What additional record-keeping requirements exist for secure crisis residential centers?
- WAC 388-148-1015 What is the purpose of a staffed residential home?
- WAC 388-148-1025 What must be included in a written program description for a staffed residential home?
- WAC 388-148-1030 What services must a staffed residential home provide?
- WAC 388-148-1035 Who must be on the premises when children are under care at a staffed residential home?
- WAC 388-148-1040 What are the qualifications for staff at a staffed residential home?
- WAC 388-148-1045 What is the ratio of child care staff to children in staffed residential homes?
- WAC 388-148-1050 How many children may I serve in my staffed residential home?
- WAC 388-148-1055 Are there room requirements for staffed residential homes?
- WAC 388-148-1060 What services may a child-placing agency provide?
- WAC 388-148-1066 What written information is needed before a child is accepted for care by a child-placing agency?
- WAC 388-148-1070 What health histories need to be provided to foster or adoptive parents?
- WAC 388-148-1075 When may child-placing agencies from outside the state place children in this state?
- WAC 388-148-1076 What are the qualifications for an executive director, a program manager/social service staff, and a consultant for a child-placing agency?
- WAC 388-148-1077 What are the qualifications for a case aide for a child-placing agency program?
- WAC 388-148-1078 What are the qualifications for health care staff hired or contracted by a child-placing agency to provide services to children in care?
- WAC 388-148-1079 What are the qualifications or WAC 388-148-1079 WSR 04-08-073, filed 4/5/04 "or" should be "for". the foster home licenser for a child-placing agency?
- WAC 388-148-1080 Are child-placing agencies required to have office space?
- WAC 388-148-1085 How may my child-placing agency certify a foster home for licensing by the department?
- WAC 388-148-1090 What children may child-placing agency foster homes accept?
- WAC 388-148-1095 May different child-placing agencies share eligible foster parents for placement?
- WAC 388-148-1100 What do I need to consider in making foster care placements?
- WAC 388-148-1105 May I share information about the child with the foster parents?
- WAC 388-148-1110 How often should the case manager contact the foster child and family?
- WAC 388-148-1115 What are the requirements for providing adoptive services?
- WAC 388-148-1120 What is the process for adoptions?
- WAC 388-148-1125 What requirements exist for specialized adoptive services?
- WAC 388-148-1130 Must my child-placing agency retain the records of adopted children?
- WAC 388-148-1135 What happens to the adopted children's records if my agency closes?
- WAC 388-148-1205 What is a group receiving center?

- WAC 388-148-1210 What age children may a center serve?
- WAC 388-148-1215 What hours must a center be open?
- WAC 388-148-1220 What services are provided or arranged for by a group receiving center?
- WAC 388-148-1225 Is a center required to provide an orientation for a child placed?
- WAC 388-148-1230 Does each child need space for personal items at the center?
- WAC 388-148-1235 What staff training is required?
- WAC 388-148-1240 What is the ratio of child care staff to children at a center?
- WAC 388-148-1245 What are the requirements for supervision of children at a center?
- WAC 388-148-1250 Who must be on the premises while children are in care at a center?
- WAC 388-148-1255 What are the requirements for an activity program?
- WAC 388-148-1260 What activities must I provide to children?
- WAC 388-148-1265 What are the requirements for indoor recreation areas?
- WAC 388-148-1270 What are the requirements for an outdoor recreation area?
- WAC 388-148-1275 What are the size requirements for an outdoor recreation area?
- WAC 388-148-1280 What are the requirements for playground equipment?
- WAC 388-160-0005 Authority.
- WAC 388-160-0015 What is the purpose of overnight youth shelters?
- WAC 388-160-0025 What definitions apply to this chapter?
- WAC 388-160-0035 What services must be offered at a shelter?
- WAC 388-160-0045 What must I include in the assessment when a youth first enters a shelter?
- WAC 388-160-0055 How does the department decide how many youth I may serve in my overnight youth shelter?
- WAC 388-160-0065 How old do I have to be to apply for a shelter license?
- WAC 388-160-0075 What qualifications does a person need to care for youth at an overnight youth shelter?
- WAC 388-160-0085 Who must be on the premises when youth are present at an overnight youth shelter?
- WAC 388-160-0095 What qualifications must a program supervisor have in order to work in a shelter?
- WAC 388-160-0105 What qualifications must a lead counselor have in order to work in a shelter?
- WAC 388-160-0115 What minimum qualifications must child care staff, lead counselors, interns, and volunteers have in order to work in a shelter?
- WAC 388-160-0125 What training is required for overnight youth shelter staff, lead counselors, interns and volunteers?
- WAC 388-160-0135 What is the required ratio of staff to youth in a shelter?
- WAC 388-160-0145 How do I apply or reapply for a license?
- WAC 388-160-0155 May I receive more than one type of group care license at the same physical location?
- WAC 388-160-0165 Does the department put limitations or conditions on a person who is licensed?
- WAC 388-160-0175 Does the department allow exceptions to the licensing requirements?
- WAC 388-160-0185 Does the department issue probationary licenses?
- WAC 388-160-0195 When must the department deny, suspend or revoke a license?
- WAC 388-160-0205 Are there other reasons the department must suspend my overnight youth shelter license?
- WAC 388-160-0215 When may the department suspend or revoke my overnight youth shelter license?
- WAC 388-160-0225 How does the department notify me if my license is modified, denied, suspended or revoked?
- WAC 388-160-0235 What may I do if I disagree with the department's decision to modify, deny, suspend or revoke my license?
- WAC 388-160-0245 What incidents involving youth must I report?
- WAC 388-160-0255 Are there other reporting requirements?
- WAC 388-160-0265 Do I need to report runaway youth who stay at the shelter?
- WAC 388-160-0275 What changes to my overnight youth shelter must I report to my licensor?

- WAC 388-160-0285 What are the department's requirements for keeping client records?
- WAC 388-160-0295 Do I need a citizens' board for my overnight youth shelter?
- WAC 388-160-0305 What personnel policies must I have?
- WAC 388-160-0315 What personnel records must I keep?
- WAC 388-160-0325 Where must I post my license?
- WAC 388-160-0335 What other information must I keep readily available?
- WAC 388-160-0345 Are local ordinances part of our licensing requirements?
- WAC 388-160-0355 What fire safety requirements must I follow to qualify for a license?
- WAC 388-160-0365 Where may my shelter be located?
- WAC 388-160-0375 May I have firearms in my overnight youth shelter?
- WAC 388-160-0385 What substances are prohibited at overnight youth shelters?
- WAC 388-160-0395 What are your requirements for storing dangerous items?
- WAC 388-160-0405 Do I need to have first-aid supplies?
- WAC 388-160-0415 What structural safety requirements must my facility meet?
- WAC 388-160-0425 What measures must I take for pest control?
- WAC 388-160-0435 What are your requirements for kitchens?
- WAC 388-160-0445 What are the requirements for bedrooms in shelters?
- WAC 388-160-0455 What are your requirements for bedding?
- WAC 388-160-0465 What telephone requirements must I follow?
- WAC 388-160-0475 What are the lighting requirements for my overnight youth shelter?
- WAC 388-160-0485 What are the requirements about drinking water?
- WAC 388-160-0495 What are your requirements for laundry facilities?
- WAC 388-160-0505 What are the requirements for washing clothes?
- WAC 388-160-0515 What are the requirements for toilets, sinks, and bathing facilities in shelters?
- WAC 388-160-0525 Do overnight youth shelters require a housekeeping sink?
- WAC 388-160-0535 What are the requirements for sewage and liquid wastes?
- WAC 388-160-0545 What health and emergency policies and procedures must I have?
- WAC 388-160-0555 How must I manage medications for youth at my shelter?
- WAC 388-160-0565 What must I do to prevent the spread of infections and communicable diseases?
- WAC 388-160-0575 What nutritional guidelines must I follow?
- WAC 388-160-0585 What are your requirements for protecting a youth under my care from child abuse and neglect?
- WAC 388-160-0595 What are the requirements about non-discrimination?
- WAC 388-160-0605 What religious activities are allowed in overnight youth shelters?
- WAC 388-160-0615 How much supervision is required for child care staff and volunteers?
- WAC 388-160-0625 What requirements must I follow when disciplining youth?
- WAC 388-160-0635 What types of disciplinary practices are forbidden?
- WAC 388-160-0645 What types of physical restraint are acceptable for youth in overnight youth shelters?
- WAC 388-160-0655 What types of physical restraint are not acceptable in overnight youth shelters?
- WAC 388-160-0665 Do I need to document instances when physical restraint is used?

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 14-19-009
PROPOSED RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed September 4, 2014, 11:53 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-23-141.

Title of Rule and Other Identifying Information: Adds new section to chapter 181-02 WAC, Transition from WEST E content area tests to replacement or acceptable alternative tests.

Hearing Location(s): Educational Service District 112, 2500 N.E. 65th Avenue, Vancouver, WA 98661, on November 13, 2014, at 8:30.

Date of Intended Adoption: November 13, 2014.

Submit Written Comments to: David Brenna, 600 Washington Street, Room 400, Olympia, WA 98504, e-mail david.brenna@k12.wa.us, fax (360) 586-4548, by November 6, 2014.

Assistance for Persons with Disabilities: Contact David Brenna by November 6, 2014, (360) 725-6238.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: With the implementation of common core state standards, certain statutorily required content area tests are transitioning to new testing. This new section in chapter 181-02 WAC, which addresses content testing for teachers, allows for this testing change, and anticipates future testing changes, giving the board authority to approve the most recent testing.

Reasons Supporting Proposal: Legislative required transition to common core state standards.

Statutory Authority for Adoption: Chapter 28A.410 RCW.

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

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David Brenna, P.O. Box 42736 [47236], Olympia, WA 98504, (360) 725-6238.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an impact on small business and therefore does not meet the requirements for a statement under RCW 19.85.030 (1) or (2).

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting David Brenna, 600 Washington Street, Olympia, WA 98504, phone (360) 725-6238, fax (360) 586-4548, e-mail david.brenna@k12.wa.us.

September 4, 2014
David Brenna
Senior Policy Analyst

NEW SECTION

WAC 181-02-003 WEST-E transition to other content area tests. The board will approve and publish schedules for other content area tests either as alternatives or replacements. On the scheduled dates of board approval, tests previously approved that were taken before the scheduled changes will be accepted as meeting the requirements, including subsections that substantially meet the content area requirements.

**WSR 14-19-017
PROPOSED RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD**

[Filed September 5, 2014, 10:00 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-15-014.

Title of Rule and Other Identifying Information: Amends WAC 181-82A-206 and 181-82A-215 to provide clarity for the endorsement review process and upgrade the approval and renewal of endorsement competencies.

Hearing Location(s): Educational Service District 112, 2500 N.E. 65th Avenue, Vancouver, WA 98661, on November 13, 2014, at 8:30.

Date of Intended Adoption: November 13, 2014.

Submit Written Comments to: David Brenna, 600 Washington Street, Room 400, Olympia, WA 98504, e-mail david.brenna@k12.wa.us, fax (360) 586-4548, by November 6, 2014.

Assistance for Persons with Disabilities: Contact David Brenna by November 6, 2014, (360) 725-6238.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The endorsement review process was implemented in 2004. There have been substantial improvements since that time. The process has now been upgraded with input from programs that must meet the requirements. Endorsement review is intended to assure that preparation of teachers includes attaining competency in subject area content. Rule changes are required to implement the improvements.

Reasons Supporting Proposal: Improves clarity and adopts stakeholder recommendations for the endorsement review process.

Statutory Authority for Adoption: Chapter 28A.410 RCW.

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

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David Brenna, P.O. Box 42736 [47236], Olympia, WA 98504, (360) 725-6238.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an impact on small business and therefore does not meet the requirements for a statement under RCW 19.85.030 (1) or (2).

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting David Brenna, 600 Washington Street, Olympia, WA 98504, phone (360) 725-6238, fax (360) 586-4548, e-mail david.brenna@k12.wa.us.

September 5, 2014
David Brenna
Senior Policy Analyst

AMENDATORY SECTION (Amending WSR 07-19-057, filed 9/14/07, effective 10/15/07)

WAC 181-82A-206 Endorsement program approval, reapproval, and review. (1) The professional educator standards board shall approve, reapprove, and review endorsement programs at (~~Washington colleges and universities pursuant to the requirements of this chapter~~) professional educator standards board-approved residency teacher programs. Only (~~colleges and universities~~) institutions with professional educator standards board-approved residency certificate teacher preparation programs are eligible to apply for approval to offer endorsement programs.

(2) The professional educator standards board will ~~((establish performance/competency criteria for obtaining an endorsement. Revision in adopted endorsement competencies may occur only as approved by the professional educator standards board. Each college or university desiring to seek reapproval of an endorsement program for which the competencies have been revised and adopted by the professional educator standards board shall apply for approval per WAC 181-82A-215.~~

~~(a) A narrative statement that describes changes to the endorsement program based on the revised competencies; and~~

~~(b) A description of assessment strategies that will be used to assess candidates' capacity/performance related to the revised competencies.~~

~~(3) The professional educator standards board shall reapprove programs, based upon revised competencies, for a length of time to coincide with the date of the next regularly scheduled site visit/program review.~~

~~(4) The superintendent of public instruction will publish, and make available, competencies for all endorsement areas identified in chapter 181-82A WAC.~~

~~(5) Each college or university desiring to establish a new endorsement program shall submit a proposal to the professional educator standards board that includes the following information:~~

~~(a) Identification of strategies that will be used to assess candidates' capacity/performance related to the competencies;~~

~~(b) A description of evidences that candidates will provide to document their positive impact on student learning in the endorsement area; and~~

~~(c) A description of the assessment system by which candidate performance, relative to the competencies, will be aggregated, analyzed, and used for program improvement.~~

~~(6) The professional educator standards board shall approve new endorsement programs for a length of time to coincide with the date of the next regularly scheduled site visit/program review.~~

~~(7) The professional educator standards board shall determine the schedule and process for endorsement program reviews.~~

~~(a) Each institution shall submit endorsement programs for review when requested by the professional educator standards board to ensure that the endorsement programs meet the competencies and to provide assessment data relative to candidate performance.~~

~~(b) The professional educator standards board shall approve endorsement programs, based upon program review, for a maximum of five to seven years.) publish competencies for all endorsement areas identified in chapter 181-82A WAC.~~

~~(3) The professional educator standards board shall determine and publish the schedule and process for endorsement program approval, reapproval, and review.~~

~~(a) Initial approval of a new endorsement program may be granted for a period of up to two years.~~

~~(b) Endorsement reapproval is required according to the posted schedule for when the endorsement competencies are updated. Reapproval of an endorsement program may be~~

granted until the next endorsement program review, or for a period of up to one year with a written report. Once the program submits the written report, approval options are full approval until the next endorsement program review, or disapproval.

(c) Each institution shall submit endorsement programs for review when requested by the professional educator standards board to ensure that each endorsement program meets the competencies and to provide assessment data relative to candidate performance. Approval options are approval until the next endorsement review or at-risk of losing approval. The professional educator standards board has the option to disapprove endorsement programs that have been at-risk for two consecutive years.

(d) Disapproved endorsements programs may reapply for approval by following the endorsement approval process.

AMENDATORY SECTION (Amending WSR 07-19-057, filed 9/14/07, effective 10/15/07)

WAC 181-82A-215 Implementation policies. ~~((1) In order to maintain an endorsement for which revised competencies have been adopted by the professional educator standards board after January 1, 2007, each college or university shall seek reapproval per WAC 181-82A-206(2) according to the timeline adopted and published by the professional educator standards board.~~

~~(2) All individuals seeking to obtain endorsements after September 1, 2009, shall meet the requirements adopted by the professional educator standards board after January 1, 2007. Prior to September 1, 2009, individuals shall meet endorsement and testing requirements identified on the timeline adopted and published by the professional educator standards board.~~

~~(3)) Teachers shall be required to obtain a minimum of one endorsement.~~

WSR 14-19-025

PROPOSED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed September 8, 2014, 10:28 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-15-067.

Title of Rule and Other Identifying Information: WAC 392-137-230 Length of acceptance.

Hearing Location(s): Office of Superintendent of Public Instruction (OSPI), Old Capitol Building, 600 South Washington, Olympia, WA, on October 23, 2014, at 10:00 a.m.

Date of Intended Adoption: October 25, 2014.

Submit Written Comments to: Becky McLean, Old Capitol Building, P.O. Box 47200, Olympia, WA 98504-7200, e-mail becky.mclean@k12.wa.us, fax (360) 664-3683, by October 22, 2014.

Assistance for Persons with Disabilities: Contact Wanda Griffin by October 20, 2014, TTY (360) 664-3631 or (360) 725-6132.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 392-137-230 requires updating to clarify school district's responsibilities for nonresident students. The nonresident district is responsible for notifying the resident district of a choice transfer's rescindment, and the rescindment is effective upon the date the resident district receives notification. Until the resident district receives the notification, the nonresident district remains responsible for the student's education.

Reasons Supporting Proposal: The 2013 legislature, in ESSB 5946, directed OSPI to create a standard form for school districts to use when releasing a student from their resident district to a nonresident district for the purpose of enrolling in an online school program. With the implementation of this new standardized transfer system, OSPI updated the expectations for district[s] around the responsibility for nonresident students who leave the nonresident district prior to the expiration of the transfer. The proposed rule change aligns with the choice transfer rules with the updated policy as outlined in OSPI Bulletin No. 008-14.

Statutory Authority for Adoption: RCW 28A.150.290.

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

Name of Proponent: OSPI, governmental.

Name of Agency Personnel Responsible for Drafting: Becky McLean, Old Capitol Building, 600 South Washington, Olympia, WA, (360) 725-6306; Implementation: T. J. Kelly, Old Capitol Building, 600 South Washington, Olympia, WA, (360) 725-6301; and Enforcement: JoLynn Berge, Old Capitol Building, 600 South Washington, Olympia, WA, (360) 725-6292.

No small business economic impact statement has been prepared under chapter 19.85 RCW.

A cost-benefit analysis is not required under RCW 34.05.328.

September 8, 2014

Randy Dorn
State Superintendent

AMENDATORY SECTION (Amending WSR 90-19-068, filed 9/17/90, effective 10/18/90)

WAC 392-137-230 Length of acceptance. (1) All acceptances of nonresident students, whether granted by the nonresident district or ordered by the superintendent of public instruction, shall state the length of the acceptance or the condition subsequent which would cause the acceptance to be terminated. The termination of an acceptance, for the purpose of this chapter, shall be adjudicated as per the provisions regarding a denial of acceptance.

(2) School districts enrolling nonresident students are subject to all school district duties and liabilities pertaining to such students until the end of the transfer, including ensuring the student's compulsory attendance pursuant to chapter 28A.225 RCW. If the transfer is rescinded before the end date according to conditions listed in the nonresident school district policy, the resident school district reassumes responsibility for the student upon the date they are notified of the rescindment.

(3) School districts enrolling a nonresident student must inform the resident school district if the student drops out of the school or is otherwise no longer enrolled.

WSR 14-19-035

PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

[Filed September 9, 2014, 10:42 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-14-101.

Title of Rule and Other Identifying Information: WAC 468-300-700 Preferential loading.

Hearing Location(s): Washington State Ferries (WSF), 2901 3rd Avenue, Suite 500, Seattle, WA 98121-3014, on October 23, 2014, at 1:00 p.m. - 2:00 p.m.

Date of Intended Adoption: October 23, 2014.

Submit Written Comments to: Ray Deardorf, WSF Planning Director, 2901 3rd Avenue, Suite 500, Seattle, WA 98121-3014, e-mail Deardorf@wsdot.wa.gov, fax (206) 515-3499, by October 22, 2014.

Assistance for Persons with Disabilities: Contact WSF by October 22, 2014, TTY 711 connect to (206) 515-3600 or (206) 515-3601.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposal is to review the preferential loading rules for WSF's vessels in order to update the rules to reflect modifications to WSF's vehicle reservations program. Proposed amendments to such rules are in anticipation of implementing Phase II of the WSF's vehicle reservation program in the San Juan Islands in late 2014.

No major effects are anticipated.

Reasons Supporting Proposal: WSF plans to implement Phase II of its vehicle reservation program in the San Juan Islands in late 2014. The proposed WAC amendments will enable WSF to expand its vehicle reservation service to WSF customers on Orcas Island and San Juan Island.

Statutory Authority for Adoption: RCW 47.56.030 and 47.60.140.

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

Name of Proponent: Washington state department of transportation, ferries division, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Raymond G. Deardorf, 2901 3rd Avenue, Suite 500, Seattle, WA 98121-3014, (206) 515-3491.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has considered this rule and determined that it does not affect more than ten percent of one industry or twenty percent of all industry.

A cost-benefit analysis is not required under RCW 34.05.328. The transportation benefits to be achieved by implementing Phase II of WSF's vehicle reservation program in the San Juan Islands will far outweigh any added cost to implement such expanded program.

September 8, 2014
Kathryn W. Taylor
Assistant Secretary

AMENDATORY SECTION (Amending WSR 12-10-034, filed 4/25/12, effective 5/26/12)

WAC 468-300-700 Preferential loading. In order to protect public health, safety and commerce; to encourage more efficient use of the ferry system; and to reduce dependency on single occupant private automobiles:

(1) Preferential loading privileges on vessels operated by Washington state ferries (WSF), exempting vehicles from the standard first-come first-served rule, shall be granted in the order set forth below:

(a) An emergency medical vehicle, medical unit, aid unit, or ambulance dispatched to and returning from an emergency or nonemergency call while in service. Up to one additional vehicle may accompany a qualifying emergency medical vehicle or authorized med-evac when going to, but not when returning from, an emergency.

(b) A public police or fire vehicle only when responding to an emergency call, but not when returning from either an emergency or a nonemergency call. However, these vehicles will receive priority loading when they are returning from either an emergency or nonemergency call to Vashon Island or the San Juan Islands.

(c) A public utility or public utility support vehicle only when responding to an emergency call, but not when returning from either an emergency or a nonemergency call.

(d) Preferential loading may be granted for vehicles carrying passengers needing to accompany a family member who is being transported by an emergency vehicle, which requires the customer's timely access to the vessel's destination.

(e) Specific to routes without reservations where a vehicle occupant states that an extended wait would cause detrimental health risks to a vehicle occupant, that vehicle will be allowed preferential loading whenever the afflicted occupant has provided a medical form certified by a physician that such preferential loading is required.

However, when that vehicle occupant has not submitted the proper medical form, preferential loading will be permissible based upon appropriate terminal staff determination.

(f) Specific to routes with reservations, where a vehicle occupant provides a medical form certified by a physician that the occupant is returning from a medical appointment or has been discharged from the hospital and that an extended wait would cause detrimental health risks, that vehicle will be allowed preferential (~~(treatment))~~ loading.

(g) Specific to routes with reservations (defined in subsections (4) through (10) of this section), a vehicle with a reservation, presenting proof of that reservation.

(h) Specific to routes with reservations where reservations are available to all vehicles from a terminal, vehicles identified in subsection (4)(a)(i) through (v) of this section receive preferential loading only if they have a reservation.

(i) A visibly marked school vehicle owned, operated, or sponsored by a school** when operating on regular schedules preapproved by the WSF or when advance notice is pro-

vided to each affected WSF terminal (**as defined in RCW 28A.150.010 (K-12), RCW 28A.150.020 (public schools), RCW 28A.195.010 (K-12 private schools), and RCW 28B.195.070 (secondary schools)).

(j) A visibly marked, preapproved or regularly scheduled publicly or privately owned public transportation vehicle** operating under a Washington state utilities and transportation commission certificate for public convenience and necessity (**as defined in RCW 81.68.010 (regular route/fixed termini), RCW 81.70.010 (charter and excursion)).

(k) A visibly marked nonprofit or publicly supported transportation vehicle** having provided each affected WSF terminal with advance notice and presenting a WSF permit making it readily identifiable as a public transportation vehicle (**as defined in chapter 81.66 RCW (private, nonprofit special needs)).

(l) A visibly marked and randomly scheduled private for profit transportation vehicle** operating under a Washington state utilities and transportation commission certificate for public convenience and necessity traveling on routes where WSF is the only major access for land-based traffic only when that private for profit transportation vehicle has provided each affected WSF terminal with a preapproved schedule and/or advance notice of its proposed sailing(s), (**as defined in chapter 81.68 RCW (regular route/fixed termini), chapter 81.70 RCW (charter and excursion), chapter 81.66 RCW (private nonprofit special needs), chapter 46.72 RCW (private, for hire)).

(m) A ride-sharing vehicle for persons with special transportation needs** transporting a minimum of three elderly and/or disabled riders or two elderly and/or disabled riders and an attendant presenting WSF ride-share registration program permit only when the operator of that vehicle has provided each affected WSF terminal with advance notice of its proposed sailing(s) (**as defined in RCW 46.74.010 (ride sharing for persons with special transportation needs)).

(n) A visibly marked, public ride-share vehicle** owned by a transit agency and leased out to members of the public through the transit agency's registration program only when the operator of that vehicle has provided each affected WSF terminal with advance notice of its proposed sailing(s) (**as defined in RCW 46.74.010 (commuter ride sharing)).

(o) A privately owned commuter ride-share vehicle** that visibly presents WSF approved identification markings readily identifiable by the public. There must be a minimum of three occupants in any such vehicle to receive preferential loading. Any such ride-share vehicle must be registered and in good standing in the WSF ride-share registration program (**as defined by RCW 46.74.010 (commuter ride sharing)).

(p) Specific to the Anacortes-San Juan Islands routes, a vehicle carrying livestock and traveling on routes where Washington state ferries is the only major access for land-based traffic, where such livestock (i) is raised for commercial purposes and is recognized by the department of agriculture, county agriculture soil and conservation service, as raised on a farm; or (ii) is traveling to participate in a 4H event sanctioned by a county extension agent.

(q) Specific to the Anacortes-San Juan Islands routes and until reservations are available for general purpose traffic to

and from the San Juan Islands, home health care workers engaged in travel to and from patient visits.

(r) Specific to the Seattle-Bainbridge and Edmonds-Kingston ferry routes, where a vehicle occupant claims that an extended wait would cause detrimental health risks to their livestock en route to veterinarian services not available in the local community, that vehicle will be allowed preferential loading whenever the vehicle occupant has provided a medical form certified by a veterinarian that such preferential loading is required.

(s) Specific to the Fauntleroy-Vashon, Seattle-Bainbridge, Mukilteo-Clinton, and Anacortes-San Juan ferry routes, any mail delivery vehicle with proper documentation from the U.S. Postal Service showing that such vehicle is in the actual process of delivering mail.

(t) Vehicles (~~(20)~~) 22 feet and over in length engaged in the conduct of commerce and/or transportation of passengers where and when WSF management has determined that the sale of vehicle space may promote higher utilization of available route capacity and an increase in revenues.

(u) An oversized or overweight vehicle (~~((20 ft.))~~) 22 feet and over in length, and/or over 8 1/2 (~~(ft.)~~) feet in width, and 80,000 lbs. or greater in weight) requiring transport at special times due to tidal conditions, vessel assignments, or availability of space.

(v) A scheduled bicycle group as determined by WSF only when a representative of that group has provided WSF with advance notice of the proposed travel schedule.

(2) Preferential loading privileges shall be subject to the following conditions:

(a) Privileges shall be granted only where physical facilities are deemed by WSF management to be adequate to allow granting the privilege and achieving an efficient operation.

(b) Subject to specified exceptions, documentation outlining qualifications for preferential loading and details of travel will be required in advance from all agencies, companies, or individuals requesting such privileges.

(c) Privileges may be limited to specified time periods as determined by WSF management.

(d) Privileges may require a minimum frequency of travel, as determined by WSF management.

(e) Privileges may be limited to a specific number of vehicle deck spaces and passenger capacity for any one sailing.

(f) Privileges may require arriving at the ferry terminal at a specified time prior to the scheduled sailing.

(3) To obtain more information about the documentation required and conditions imposed under subsection (2) of this section, call WSF's general information number, 206-464-6400, or a terminal on a route for which the preferential boarding right is requested.

THE REMAINING SUBSECTIONS PROVIDE ADDITIONAL DETAILS ON VEHICLE RESERVATIONS, REFERENCED UNDER SUBSECTION (1) OF THIS SECTION.

(4) Vehicle reservation system intent.

(a) The intent of the vehicle reservation system is:

(i) To reduce queuing and congestion outside of ferry terminals;

(ii) To maximize the use of existing assets;

(iii) To provide enhanced customer service and travel predictability, spontaneity, and flexibility;

(iv) To manage demand by shifting discretionary trips from peak to off-peak sailings;

(v) To recognize the uniqueness of each different route;

(vi) To allow WSF flexibility to manage the system to best balance the needs of customers, communities, and WSF.

(b) Ferry customers are not required to make a reservation in order to travel on a Washington state ferry.

(5) Definitions.

(a) "Business account program" is a reservations program for customers who have an active business account with WSF.

(b) "Business account program member" is an individual or business who has an active business account with WSF.

(c) "Business reservation" is a vehicle reservation made by a business account program member.

(d) "General customer" is an individual or business that has purchased or is planning to purchase a reservation on a Washington state ferry and does not participate in WSF's business, (~~(premier)~~) carpool, or vanpool reservations account programs.

(e) "General reservation" is a vehicle reservation made by a general customer.

(f) "Operational day" begins at 3:00 a.m. and ends at 2:59 a.m.

~~(g) ("Premier account program" is a reservations program for customers who travel frequently on the route for which they are seeking a reservation.~~

~~(h) "Premier account program member" is an individual who is currently enrolled in the premier account program.~~

~~(i) "Premier reservation" is a vehicle reservation made by a premier account program member.~~

~~(j)) "Reservation holder" is a ferry customer who has acquired a vehicle reservation.~~

~~((k))~~ (h) "Reserved space" is space within the vehicle deck space available for vehicle reservations that has been secured by a customer by making a business, (~~(premier)~~) or general reservation on that sailing.

~~((H))~~ (l) "Service interruption" is an event that causes WSF to not be able to run according to the published schedule.

~~((m))~~ (j) "Terms of use" refers to the agreement customers must read and agree to before their transaction to make a reservation is complete.

~~((n))~~ (k) "Unreservable space" is all space on a vessel that has not been reserved, or is not available to be reserved.

~~((o))~~ (l) "Vehicle deck space available for vehicle reservations" is the amount of vehicle deck space on a given vessel that WSF will allow to be reserved. All other space on the vessel is unreservable space.

(6) Modification of these regulations. WSF management reserves the right to add, delete, or modify portions of these regulations including the schedule of reservations charges and the terms of use in accordance with its regulations and applicable laws.

(7) Properties of a vehicle reservation.

(a) A vehicle reservation gives a ferry customer the right to travel at a specific date and time on a specific route with a vehicle of a specific size, as declared at the time of booking,

subject to the priority loading conditions set forth in subsections (1) and (2) of this section. This right may be withdrawn at WSF's discretion due to service interruptions; or customer behavior that is inappropriate or dangerous.

(b) A vehicle reservation is not a ticket. Customers with reservations must purchase a ticket at the tollbooth of their departure terminal or online in order to travel on their reserved sailing.

(c) A vehicle reservation is not resalable to third parties.

(8) Vehicle reservation deposits and no-show fees.

(a) Vehicle reservation deposits may be collected or no-show fee may be assessed at levels set by WSF management according to the rules set in WAC 468-300-020 (vehicle under 22(⁽¹⁾) feet, motorcycle, and stowage ferry tolls), and WAC 468-300-040 (oversize vehicle ferry tolls).

(b) Reservation deposits paid in advance will be applied toward the actual ticket cost for the reserved sailing at the departure terminal tollbooth. However, if a customer who has paid a reservation deposit is denied the ability to purchase a ticket for that reserved sailing due to priority loading conditions identified in subsections (1) and (2) of this section, then the customer may either seek a refund of the deposit, apply the deposit towards a ticket on the next scheduled sailing on the same route, or apply the deposit in accordance with (c) of this subsection. These are the sole and exclusive remedies available to a customer in these situations.

(c) Reservation deposits paid in advance may be applied toward the actual ticket cost of other, nonreserved sailings on the same route, as defined in the terms of use.

(9) Vessel space available for reservations.

(a) WSF has the authority to set the amount of tall and standard height vehicle deck space available for vehicle reservations on each sailing in order to achieve the intentions of the vehicle reservation system.

(b) For any given sailing, WSF may vary the amount of tall and standard height vehicle deck space available for vehicle reservations, depending on factors including, but not limited to:

- (i) Time of day;
- (ii) Day of week;
- (iii) Season of year;
- (iv) Direction of travel;
- (v) Route;
- (vi) Vessel size;
- (vii) Level of demand; or
- (viii) Level of congestion.

(c) For any given sailing, WSF may vary the distribution of tall and standard height vehicle deck space dedicated for business, (~~(premier)~~) carpool or vanpool reservations; and dedicated to general reservations, depending on factors including, but not limited to:

- (i) Time of day;
- (ii) Day of week;
- (iii) Season of year;
- (iv) Direction of travel;
- (v) Route;
- (vi) Vessel size;
- (vii) Level of demand; or
- (viii) Level of congestion.

(d) WSF may change the distribution of unreservable space up until sailing departure.

(e) WSF may release vehicle deck space available for vehicle reservations up to one year in advance of a sailing. WSF may choose to phase the release of space on a particular sailing over time, as WSF management deems necessary to achieve the intent of the vehicle reservation system listed.

(f) Space may be made available for vehicle reservations for only certain reservation types (business account, (~~(premier account)~~) carpool, vanpool, or general reservations).

(g) Space may be made available for a tentative sailing schedule if the final sailing schedule is not available.

(i) If departure times on the final sailing schedule are different than those on the tentative schedule, WSF will notify all affected reservation holders.

(ii) If the reserved sailing is canceled, WSF will notify the customer and refund any deposit paid. If no deposit was paid, the customer will not be charged a no-show fee.

(iii) All sailing schedules will be finalized at least six weeks before the schedule would take effect, and customers with affected reservations will be notified as soon as the schedule is final.

(h) Space allocations for specific reservation types (business account, (~~(premier account)~~) carpool, vanpool, or general reservations) may be changed by WSF at any point in time up until sailing departure.

(10) Reservation system during service interruptions.

(a) During a ferry service interruption, WSF management may temporarily adjust business and operational rules to address the issue until normal service is restored. This may include, but is not limited to:

- (i) Canceling existing reservations;
- (ii) Not allowing new reservations; or
- (iii) Changing existing reservations to other sailings.

(b) Upon canceling or moving a reservation, WSF will notify the affected customers via e-mail or phone.

(c) Customers will not be charged for any changes or cancellations resulting from service interruptions.

(d) If a customer's reserved sailing has been canceled or significantly delayed and the customer can no longer travel that operational day, any deposit paid will be refunded, which shall be the sole and exclusive remedy available to the customer in such situations.

(e) During service interruptions, WSF may turn customers without reservations away from the terminal.

(f) During service interruptions, WSF may not be able to guarantee travel for reservation holders.

WSR 14-19-057

PROPOSED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed September 12, 2014, 9:30 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-15-131.

Title of Rule and Other Identifying Information: Chapter 392-144 WAC, School bus driver qualifications.

Hearing Location(s): Office of Superintendent of Public Instruction (OSPI), Wanamake [Wanamaker] Conference Room, 1st Floor, 600 South Washington Street, Olympia, WA 98504-7200, on October 23, 2014, at 10:30 a.m.

Date of Intended Adoption: October 27, 2014.

Submit Written Comments to: Allan J. Jones, Director, Student Transportation, P.O. Box 47200, Olympia, WA 98504-7200, e-mail allan.jones@k12.wa.us, by October 15, 2014.

Assistance for Persons with Disabilities: Contact Wanda Griffin by October 15, 2014, TTY (360) 664-3631 or (360) 725-6142.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Revisions to chapter 392-144 WAC were adopted on March 25, 2014, with an effective date of September 1, 2014. Language that specified that during the annual review of school bus driver compliance, a school district had to get a copy of each school bus driver's driving records was accidentally omitted.

The revision shown below adds the omitted language.

Statutory Authority for Adoption: RCW 28A.160.210.

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

Name of Proponent: OSPI, governmental.

Name of Agency Personnel Responsible for Drafting: Catherine Slagle, OSPI, (360) 725-6136; Implementation: JoLynn Berge, OSPI, (360) 725-6292; and Enforcement: Allan J. Jones, OSPI, (360) 725-6122.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These revisions only apply to public school districts.

A cost-benefit analysis is not required under RCW 34.05.328.

Randy Dorn
State Superintendent
of Public Instruction

AMENDATORY SECTION (Amending WSR 14-09-031, filed 4/9/14, effective 9/1/14)

WAC 392-144-160 School district—Verification of driver's continuing compliance. (1) Every school district shall annually evaluate each authorized school bus driver for continuing compliance with the provisions of this chapter (~~(annually)~~). The results of this evaluation of all drivers shall be submitted to the superintendent or their designee no later than the last business day in October of each year.

(2) This annual evaluation shall certify that the district has verified the following:

(a) That each authorized school bus driver's medical examination certificate expiration date, first-aid expiration date, driver's license expiration date and most recent school bus driver in-service training date has been updated in compliance with procedures established by the superintendent;

(b) That each authorized school bus driver's abstract of driving record provided by the department of licensing has been reviewed and is in compliance with WAC 392-144-103;

(c) That each authorized school bus driver has made an updated disclosure in writing and signed and sworn under penalty of perjury which updates the disclosure required in WAC 392-144-102(4); and

~~((e))~~ (d) That each authorized school bus driver remains in compliance with the physical requirements of WAC 392-144-102(5).

WSR 14-19-060
PROPOSED RULES
GAMBLING COMMISSION
[Filed September 12, 2014, 10:35 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-15-035.

Title of Rule and Other Identifying Information: Proposed recodification of WAC 230-14-047 Standards for electronic video pull-tab dispensers.

Hearing Location(s): Comfort Inn Conference Center, 1620 74th Avenue S.W., Tumwater, WA 98501, (360) 352-0691, on November 13 or 14, 2014, at 9:00 a.m. or 1:00 p.m. NOTE: Meeting dates and times are tentative. Visit our web site at www.wsgc.wa.gov and select public meeting about ten days before the meeting to confirm meeting date/location/start time.

Date of Intended Adoption: November 13 or 14, 2014.

Submit Written Comments to: Susan Newer, P.O. Box 42400, Olympia, WA 98504-2400, e-mail Susan.Newer@wsgc.wa.gov, fax (360) 486-3625, by November 1, 2014.

Assistance for Persons with Disabilities: Contact Michelle Rancour by November 1, 2014, TTY (360) 486-3637 or (360) 486-3453.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule proposal is to recodify the current version of WAC 230-14-047. Because this rule relates to the regulation of licensing, it requires an affirmative vote of at least three commission members for final approval (RCW 9.46.050(2)). A May 2014 court of appeals decision held that in 2008, WAC 230-14-047 was "adopted without compliance with statutory rule-making procedures" per RCW 34.05.570 (2)(c). The court of appeals found that the rule relates to the regulation of licensing, and thus under RCW 9.46.050(2) required the affirmative vote of at least three commission members for final approval. The rule was improperly promulgated in 2008 because only two of the three commission members present voted to approve the rules.

Statutory Authority for Adoption: RCW 9.46.070, 9.46.-110.

Statute Being Implemented: Not applicable.

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

Name of Proponent: Washington state gambling commission, governmental.

Name of Agency Personnel Responsible for Drafting: Susan Newer, Lacey, (360) 486-3466; Implementation: David Trujillo, Director, Lacey, (360) 486-3512; and

Enforcement: Mark Harris, Assistant Director, Lacey, (360) 486-3579.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement was not prepared because the rule change would not impose additional costs.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington state gambling commission is not an agency that is statutorily required to prepare a cost-benefit analysis under RCW 34.05.328.

September 12, 2014
Susan Newer
Rules Coordinator

RECODIFY SECTION (Recodifying WSR 14-09-040, filed 4/11/14, effective 5/12/14)

WAC 230-14-047 Standards for electronic video pull-tab dispensers. Electronic video pull-tab dispensers must be approved by us prior to use.

(1) Electronic video pull-tab dispensers must dispense a paper pull-tab as defined in WAC 230-14-010 and follow the rules for:

- (a) Pull-tabs; and
- (b) Flares; and
- (c) Authorized pull-tab dispensers.

(2) Electronic video pull-tab dispensers that use a reading and displaying function must:

- (a) Use a video monitor for entertainment purposes only; and
- (b) Open all, or a portion of, the pull-tab in order to read encoded data that indicates the win or loss of the pull-tab if the dispenser is equipped to automatically open pull-tabs; and
- (c) Dispense the pull-tab to the player and not retain any portion of the pull-tab; and
- (d) Read the correct cash award from the pull-tab either when it is dispensed or when the pull-tab is reinserted into the dispenser; and
- (e) Display the cash award from the pull-tab, one pull-tab at a time; and
- (f) Provide:
 - (i) An electronic accounting of the number of pull-tabs dispensed; and
 - (ii) A way to identify the software version and name; and
 - (iii) A way to access and verify approved components; and
- (iv) Security on the dispenser to prevent unauthorized access to graphic and prize amount displays.

(3) Cash cards used in electronic video pull-tab dispensers must:

- (a) Be purchased with cash, check, gift certificates, or electronic point-of-sale bank transfer before use in the dispenser; and
 - (b) Be convertible to cash at any time during business hours; and
 - (c) Subtract the purchase price of the pull-tab one pull-tab at a time.
- (4) Electronic video pull-tab dispensers that accept cash cards may award any pull-tab cash prize of twenty dollars or less onto the cash card.

WSR 14-19-070

PROPOSED RULES

OFFICE OF

INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2014-06—Filed September 12, 2014, 3:42 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-14-131.

Title of Rule and Other Identifying Information: FAIR plan.

Hearing Location(s): Insurance Commissioner's Office, 302 Sid Snyder Avenue S.W., Suite 200, Olympia, WA 98504-0258, on October 21, 2014, at 10:00 a.m.

Date of Intended Adoption: October 22, 2014.

Submit Written Comments to: Jim Tompkins, P.O. Box 40258, Olympia, WA 98504-0258, e-mail rulescoordinator@oic.wa.gov, fax (360) 586-3109, by October 20, 2014.

Assistance for Persons with Disabilities: Contact Lori [Lorie] Villaflora by October 20, 2014, TTY (360) 586-0241 or (360) 725-7087.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The commissioner will consider rules amending WAC 284-19-140 regarding the composition of the governing committee of the FAIR plan.

Reasons Supporting Proposal: The current rules provide that two of the nine members of the governing committee of the FAIR plan are to be elected from the Alliance of American Insurers (AAI) and National Association of Independent Insurers (NAII), respectively. These two organizations have merged into the Property and Casualty Insurers Association of America (PCI) in 2014.

Statutory Authority for Adoption: RCW 48.02.060.

Statute Being Implemented: RCW 48.01.030.

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

Name of Proponent: Mike Kreidler, insurance commissioner, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Jim Tompkins, P.O. Box 40258, Olympia, WA 98504-0258, (360) 725-7036; and Enforcement: Jason Siems, P.O. Box 40258, Olympia, WA 98504-0258, (360) 725-7037.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The entities that must comply with the proposed rule are not small businesses, pursuant to chapter 19.85 RCW.

A cost-benefit analysis is not required under RCW 34.05.328. This proposed rule revision amends WAC 284-19-140 to recognize changes in the organizational structure of the insurance industry association. The AAI and NAII merged into PCI in 2004. The AAI and NAII will be discontinued after 2014. The proposed revision reflects an administrative change only and does not represent a significant legislative change. No additional costs are expected to be incurred as a result of the proposed amendment. Therefore, under the provisions of RCW 34.05.328 (5)(b)(iii), no cost-benefit analysis is required.

September 12, 2014
 Mike Kreidler
 Insurance Commissioner

AMENDATORY SECTION (Amending WSR 98-13-095, filed 6/16/98, effective 7/17/98)

WAC 284-19-140 Administration. (1) This program shall be administered by a governing committee (referred to as the committee) of the facility, subject to the supervision of the commissioner, and operated by a manager appointed by the committee.

(2) The committee consists of nine members, including five insurers, (~~(one of which is)~~) elected from each of the following:

- (a) American Insurance Association (one member);
- (b) (~~(Alliance of American Insurers;)~~) Property Casualty Insurers Association of America (two members);
- (c) (~~(National Association of Independent Insurers;~~ ~~(d))~~) All other stock insurers (one member); and
- (~~(e))~~) (d) All other nonstock insurers (one member).

A sixth member shall be an insurer designated as the service insurer under the program. The commissioner shall designate a sixth member if there is more than one service insurer. The other three members are individuals who are appointed by the commissioner to serve, none of whom have a direct or indirect interest in any insurer except as a policyholder. The individual members serve for a period of one year or until their successors are appointed. Not more than one insurer in a group under the same management or ownership shall serve on the committee at the same time. One of the six insurers on the governing committee shall be a domestic insurer.

(3) The governing committee may issue operating procedures and other directives to carry out the purposes of this plan and directives of the commissioner.

(4) Each person serving on the committee or any subcommittee, each member of the facility, and each officer and employee of the facility shall be indemnified by the facility against all costs and expenses actually and necessarily incurred in connection with the defense of any action, suit, or proceeding in which he or she is made a party by reason of being or having been a member of the committee, or a member or officer or employee of the facility except in relation to matters as to which he or she has been judged in such action, suit, or proceeding to be liable by reason of willful misconduct in the performance of duties as a member of the committee, or a member or officer or employee of the facility. This indemnification does not apply to any loss, cost, or expense on insurance policy claims under the program. Indemnification is not exclusive of other rights to which such member or officer may be entitled as a matter of law.

WSR 14-19-081
PROPOSED RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed September 15, 2014, 4:10 p.m.]

Continuance of WSR 14-16-045.

Preproposal statement of inquiry was filed as WSR 14-10-030.

Title of Rule and Other Identifying Information: Amends WAC 181-78A-255 to remove requirements for continuing improvements for programs. Rule addresses professional educator standards board (PESB) Standard II, data collection.

Hearing Location(s): Educational Service District 112, 2500 N.E. 65th Avenue, Vancouver, WA 98661, on November 13, 2014, at 8:30.

Date of Intended Adoption: November 13, 2014.

Submit Written Comments to: David Brenna, 600 Washington Street, Room 400, Olympia, WA 98504, e-mail david.brenna@k12.wa.us, fax (360) 586-4548, by November 6, 2014.

Assistance for Persons with Disabilities: Contact David Brenna by November 6, 2014, (360) 725-6238.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The PESB Standard II contains requirements to preparation programs regarding the collection and holding of data. The section on continuing improvement is removed and will be incorporated in future changes to PESB standards.

Reasons Supporting Proposal: Improves clarity of the purpose of Standard II.

Statutory Authority for Adoption: Chapter 28A.410 RCW.

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

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David Brenna, P.O. Box 42736 [47236], Olympia, WA 98504, (360) 725-6238.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an impact on small business and therefore does not meet the requirements for a statement under RCW 19.85.030 (1) or (2).

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting David Brenna, 600 Washington Street, Olympia, WA 98504, phone (360) 725-6238, fax (360) 586-4548, e-mail david.brenna@k12.wa.us.

September 8, 2014
 David Brenna
 Senior Policy Analyst

AMENDATORY SECTION (Amending WSR 14-07-064, filed 3/17/14, effective 4/17/14)

WAC 181-78A-255 Approval standard—Accountability. Building on the mission to prepare educators who demonstrate a positive impact on student learning, the following evidence shall be evaluated to determine whether

each preparation program is in compliance with the program approval standards of WAC 181-78A-220(2).

~~(1) (Each approved educator preparation program shall maintain an assessment system that:~~

~~(a) Assesses outcomes in alignment with the conceptual framework and state standards.~~

~~(b) Systematically and comprehensively gathers evidence on:~~

~~(i) Candidate learning;~~

~~(ii) Program operations, including placement rates, clinical experiences, and candidate characteristics.~~

~~(c) Collects candidate work samples that document positive impact on student learning.~~

~~(d) Aggregates key data over time.~~

~~(e) Incorporates perspectives of faculty, candidates, and P-12 partners.~~

~~(f) Includes processes and safeguards that ensure fair and unbiased assessment of candidates.~~

~~(g) Provides for regular analysis of assessment results.~~

~~(h) Is systematically linked to program decision-making processes.~~

~~(2)) Each approved program shall maintain a data system that exhibits:~~

~~(a) Data structure(, including a table structure, the ability to utilize university data systems, data entry protocols and codes, unique record identifiers, the ability to provide repeatable reports with efficiency, and strategies to ensure data quality.);~~

~~(b) Standards for security and access(, including guidelines for data access by users and system back-up protocols); and~~

~~(c) Guidelines for data governance(, system documentation, and the processing of assessment scores from external sources)).~~

~~((3)) (2) Each approved education preparation program shall collect and report data in accordance with the data manuals adopted by the professional educator standards board.~~

WSR 14-19-083

PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

[Filed September 16, 2014, 8:01 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-03-118.

Title of Rule and Other Identifying Information: Chapter 468-66 WAC, Highway Advertising Control Act; companion rule to chapter 47.42 RCW, Scenic Vistas Act. This WAC regulates advertising signs visible to state highways in keeping with statutes in chapter 47.42 RCW.

Hearing Location(s): Washington State Department of Transportation (WSDOT), Commission Board Room 1D2, 310 Maple Park Avenue S.E., Olympia, WA 98504, on October 23, 2014, at 1:30 p.m.

Date of Intended Adoption: October 23, 2014.

Submit Written Comments to: Mike Dornfeld, WSDOT, P.O. Box 47344, Olympia, WA 98594-7344, e-mail dornfem@wsdot.wa.gov, fax (360) 705-7288, by October 21, 2014.

Assistance for Persons with Disabilities: Contact Mike Dornfeld by October 21, 2014, TTY (800) 833-6388 or (360) 705-7288.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposal incorporates new definitions and applications of the newly defined terms, pursuant to provisions of chapter 47.42 RCW as modified by SB 5761 of the 63rd legislature, 2013 regular session. Additional revisions clarify existing language and remove duplicative language.

Reasons Supporting Proposal: Annual sign permit renewal fee is now required in state law, the proposed rules describe WSDOT process for administering this fee, and additionally clarifies existing language and removes existing duplicative language.

Statutory Authority for Adoption: Chapter 47.42 RCW.

Statute Being Implemented: RCW 47.42.120.

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

Name of Proponent: WSDOT, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mike Dornfeld, Olympia, Washington, (360) 705-7288.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The statute and the proposed rule exempt permitted signs that do not generate rental income from paying the annual renewal fee.

A cost-benefit analysis is not required under RCW 34.05.328. A cost-benefit analysis is not required because the proposal incorporates a Washington state statute, reference RCW 34.50.328 [34.05.328] (5)(b)(iii).

September 16, 2014

Kathryn W. Taylor

Assistant Secretary

AMENDATORY SECTION (Amending WSR 06-03-005, filed 1/4/06, effective 2/4/06)

WAC 468-66-010 Definitions. The following terms when used in this chapter shall have the following meanings:

(1) "Abandoned" means a sign for which neither sign owner nor land owner claim any responsibility.

(2) "Act" means the Highway Advertising Act of 1961, as amended and embodied in chapter 47.42 RCW.

(3) "Centerline of the highway" means a line equidistant from the edges of the median separating the main-traveled ways of a divided highway, or the centerline of the main-traveled way of a nondivided highway.

(4) "Commercial and industrial areas" means any area zoned commercial or industrial by a county or municipal code; or, if unzoned or zoned for general uses by a county or municipal code, that area occupied by three or more separate and distinct commercial and/or industrial activities within a space of five hundred feet and the area within five hundred feet of such activities on both sides of the highway. The area shall be measured from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the commercial or industrial activity and not from the property lines of the parcels upon which such activities are located. Measurements shall be along or parallel to the edge of the

main-traveled way of the highway. The following shall not be considered commercial or industrial activities:

- (a) Agricultural, forestry, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands;
- (b) Transient or temporary activities;
- (c) Railroad tracks and minor sidings;
- (d) Signs;
- (e) Activities more than six hundred and sixty feet from the nearest edge of the right of way;
- (f) Activities conducted in a building principally used as a residence. Residences are buildings used as homes, located in areas where individuals and families typically reside. Residence buildings no longer used as homes may be considered commercial or industrial activities, if used for commercial or industrial purposes and located in areas having either mixed or primarily commercial and industrial development.

If any commercial or industrial activity that has been used in defining or delineating an unzoned commercial or industrial area ceases to operate for a period of six continuous months resulting in fewer than three commercial or industrial activities remaining within that area, the unzoned area is deemed to no longer exist. Any signs located within the former unzoned area are declared nonconforming.

(5) "Department" means the Washington state department of transportation.

(6) "Destroyed" means a nonconforming sign shall be considered destroyed if more than fifty percent of the sign structure components are dislocated or damaged to the extent that the sign face has fallen to the ground.

(7) "Discontinued" means a sign shall be considered discontinued if, after receiving notice from the department of absence of advertising content for ninety days, the permit holder fails to put advertising content on the sign within ninety days of the notice. The department may extend the ninety-day compliance time to a maximum of one year, if the sign owner provides documentation of unique circumstances creating involuntary discontinuance and preventing the sign owner from placing advertising content on the sign.

(8) "Electronic sign" means an on-premise advertising sign having a signboard display that can be changed by an electrical, electronic, or computerized process.

(9) "Entrance roadway" means any public road or turning roadway including acceleration lanes, by which traffic may enter the main-traveled way of a limited access highway from the general road system within the state, including rest areas, view points, and sites used by the general public, irrespective of whether traffic may also leave the main-traveled way by such road or turning roadway.

(10) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

(11) "Exit roadway" means any public road or turning roadway including deceleration lanes, by which traffic may leave the main-traveled way of a limited access highway to reach the general road system within the state, including rest areas, view points, and sites used by the general public, irrespective of whether traffic may also enter the main-traveled way by such road or turning roadway.

(12) "Interstate system" means any state highway that is or becomes part of the national system of interstate and defense highways as described in section 103(e) of Title 23, United States Code.

(13) "Legible" means capable of being read without visual aid by a person of normal visual acuity.

(14) "Limited access highway" means a state highway, or a portion of a state highway, along which the department has acquired access rights as provided by chapter 47.52 RCW. A state highway, or a portion of a state highway, along which the department has not acquired access rights as provided by chapter 47.52 RCW is termed herein as a "nonlimited access highway."

(15) "Maintain" means to allow to exist.

(16) "Main-traveled way" means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, entrance roadways, exit roadways, or parking areas.

(17) "National scenic byway" means any state highway designated as part of the national scenic byway system authorized by the 1991 Intermodal Surface Transportation Efficiency Act.

(18) "Person" means this state or any public or private corporation, firm, partnership, association, as well as any individual, or individuals.

(19) "Primary system" means any state highway which is part of the federal-aid primary system as described in section 103(b) of Title 23, United States Code, in existence on June 1, 1991, as enacted in the 1991 Intermodal Surface Transportation Efficiency Act, and any highway which is not on such system but which is on the national highway system.

(20) "Public service information" means a message on an electronic sign that provides the time, date, temperature, weather, or information about nonprofit activities sponsored by civic or charitable organizations.

(21) "Scenic system" means:

(a) Any state highway within any public park, federal forest area, public beach, public recreation area, or national monument;

(b) Any state highway or portion thereof outside the boundaries of any incorporated city or town designated in RCW 47.42.140 by the legislature as a part of the scenic system; or

(c) Any national scenic byway or state highway or portion thereof, outside the boundaries of any incorporated city or town, designated by the legislature in chapter 47.39 RCW as a part of the scenic and recreational highway system except for the sections of highways specifically excluded in RCW 47.42.025 or located within areas zoned by the governing county for predominantly commercial and industrial uses, and having development visible to the highway as determined by the department.

(22) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way

of the interstate system or other state highway. The term includes the sign face(s), and the sign structure unless the sign is painted on a building, and applies to portable, temporary, and permanent installations. Signs are further defined by the provisions following:

(a) A single-faced sign may display only one advertised business activity or other activity that may be of interest to motorists.

(b) A double-faced (flanking or side-by-side) sign may only be patterned so that not more than two single-faced signs on one sign structure are visible to traffic approaching from one direction of travel.

(c) A V-type and back-to-back sign displays messages to opposing directions of travel from one sign structure. A V-type and back-to-back sign may only be patterned so that not more than one single-faced sign or double-faced (flanking or side-by-side) sign is visible to traffic approaching from each of the opposing directions of travel.

(d) A nonconforming sign means a sign that was lawfully erected but does not comply with provisions of state law or state regulations passed at a later date, or later fail to comply with the state law or state regulations due to changed conditions.

(e) Illegal signs are those erected or maintained in violation of state law or local law or ordinance.

(f) Pursuant to RCW 47.42.020(8) and 47.36.030(3), the term "sign" does not include signs, banners, or decorations that are devoid of commercial advertising and installed over a state highway to promote a local agency sponsored event.

(g) A "rental income" sign is a permitted Type 4/5 sign actively involved in the business of outdoor advertising. Rental income signs offer advertising display space in exchange for rental fees paid to the sign owner or operator. The term includes signs during periods of vacancy. Pursuant to RCW 47.42.120, permits for rental income signs are subject to an annual renewal fee of one hundred fifty dollars per permit.

(23) "Trade name" shall include brand name, trademark, distinctive symbol, or other similar device or thing used to identify particular products or services.

(24) "Traveled way" means the portion of a roadway for the movement of vehicles, exclusive of shoulders.

(25) "Tri-vision sign" means a sign having a series of three-sided rotating slats arranged side by side, either horizontally or vertically, which are rotated by an electric-mechanical process, capable of displaying a total of three separate and distinct messages, one message at a time.

(26) "Turning roadway" means a connecting roadway for traffic turning between two intersection legs of an interchange.

(27) "Visible" means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

(28) "Visible development area" means a five hundred-foot area along a scenic system state highway, that is zoned for predominantly commercial or industrial uses by the governing county, having three or more commercial or industrial activities within the five hundred-foot area that are visible to traffic in both directions. The consideration of commercial or

industrial activities, and measurements that establish the area shall conform with RCW 47.42.020(9).

AMENDATORY SECTION (Amending WSR 06-03-005, filed 1/4/06, effective 2/4/06)

WAC 468-66-050 Sign classifications and specific provisions. Signs shall be classified and restricted to the provisions following:

(1) Type 1 - Directional or other official signs and notices. Directional or other official signs and notices may be erected and maintained on private property or public property, other than state highway right of way, for the purposes of carrying out an official duty or responsibility. The signs may only be installed by public offices or public agencies within their territorial or zoning jurisdiction and shall follow federal, state, or local law.

(a) Type 1(a) - Directional sign. A directional sign may only be installed in accordance with the provisions following:

(i) Publicly or privately owned places - Directional signs for publicly or privately owned places that feature natural phenomena; historical, cultural, scientific, or educational opportunities; areas of scenic beauty, or outdoor recreation areas:

- Publicly owned places - Directional signs for public places owned or operated by federal, state, or local government, or their agencies;

- Privately owned places - Directional signs for nonprofit privately owned places that feature scenic attractions. The attractions must be nationally or regionally known, or of outstanding interest to travelers.

(ii) A sign message shall be limited to identification of the activity or attraction and directional information. Directional information is limited to that which helps the motorist locate the activity, such as providing mileage to the activity, highway route or exit numbers.

(iii) Descriptive words, phrases, and photographic or pictorial representations of the activity or attraction are prohibited.

(iv) Type 1(a) signs shall not exceed twenty feet in length, width, or height, or one hundred fifty square feet in area, including border and trim but excluding supports.

(v) The department must approve the proposed installation location.

(vi) Along the interstate system and other limited access highways having grade separations (interchanges), a sign shall not be located within two thousand feet of an interchange or rest area, measured from the ramp physical gore, or within two thousand feet of a parkland or scenic area.

(vii) Type 1(a) signs shall not be spaced closer than one mile apart.

(viii) Visible to a state route approaching an activity or attraction, a maximum of three signs per direction of travel are allowed for each activity or attraction.

(ix) Type 1(a) signs located along the interstate system shall be within seventy-five air miles of the activity or attraction.

(x) Type 1(a) signs located along the primary and scenic systems shall be within fifty air miles of the activity or attraction.

(b) Type 1(b) - Official sign. An official sign may be installed subject to the provisions following:

(i) Type 1(b) signs may only be erected and maintained by public offices or public agencies.

(ii) Type 1(b) signs may only be located within the governing jurisdiction of the public office or public agency.

(iii) Type 1(b) signs shall follow federal, state, or local law.

(iv) Type 1(b) sign(~~s have no restrictions on~~) message content(~~(, provided the activity being described)~~) is limited to providing information that furthers an official duty or responsibility.

(v) Type 1(b) signs shall not exceed twenty feet in length, width, or height, or one hundred fifty square feet in area, including border and trim but excluding supports.

(vi) Type 1(b) signs may be historical markers authorized by federal, state, and local law.

(vii) Type 1(b) signs are not regulated by the act with regard to visibility to highways, zoning requirements, number of signs, or spacing.

(c) Type 1(c) - Service activity sign. A service activity sign may be installed subject to the provisions following:

(i) Type 1(c) signs shall contain only the name of a non-profit organization, its address, and the time of its meeting or service.

(ii) Type 1(c) signs shall not exceed eight square feet in area.

(iii) Type 1(c) signs are not regulated by the act with regard to visibility to highways, zoning requirements, number of signs, or spacing.

(2) Type 2 - For sale or lease sign. A Type 2 sign may only advertise the sale or lease of the parcel of real property upon which the sign is located. The name of the owner of the property offered for sale or lease, or the owner's agent and phone number shall not be displayed more conspicuously than the words "for sale" or "for lease." No other message may be displayed on the sign.

(a) Type 2 signs shall not exceed twenty feet in length, width, or height, or one hundred fifty square feet in area, including border and trim but excluding supports.

(b) Not more than one Type 2 sign may be installed that is visible to traffic proceeding in any one direction on an interstate, primary, or scenic system highway.

(c) The act does not regulate Type 2 signs with regard to zoning requirements or spacing.

(3) Type 3 - On-premise signs.

(a) Type 3(a) - On-premise sign. A Type 3(a) on-premise sign may only advertise an activity conducted on the property upon which the sign is located.

(i) A Type 3(a) on-premise sign shall be limited to advertising the business or the owner, or the products or services offered on the property. A sign consisting mainly of a brand name, trade name, product or service incidental to the main products or services offered on the property, or a sign bringing rental income to the property, is not an on-premise sign.

(ii) A Type 3(a) on-premise sign more than fifty feet from the advertised activity may not exceed twenty feet in length, width, or height, or one hundred fifty square feet in area, including border and trim but excluding supports. The

act does not regulate the size of Type 3(a) on-premise signs located within fifty feet of the advertised activity.

(iii) A Type 3(a) on-premise sign located at a shopping center, mall, or business combination is not authorized more than fifty feet from the individual activity it advertises, unless it is installed together with a Type (3)(b) business complex on-premise sign as described in (b)(i) of this subsection.

~~((iv) For the purpose of measuring from the advertised activity, the distance shall be measured from the sign to the nearest portion of that building, storage, or other structure or processing area, which is the most regularly used and essential to the conduct of the advertised activity as determined solely by the department.))~~

(b) Type 3(b) - Business complex on-premise sign. A Type 3(b) business complex on-premise sign may display the name of a shopping center, mall, or business combination.

(i) Where a business complex erects a Type 3(b) on-premise sign, the sign structure may display additional individual business signs identifying each of the businesses conducted on the premises. A Type 3(b) on-premise sign structure may also have attached a display area, such as a manually changeable copy panel, reader board, or electronically changeable message center, for advertising on-premise activities and/or presenting public service information.

(ii) Type 3(b) on-premise signs are not regulated by the act with regard to size. Any Type 3(a) on-premise sign and any display area, installed together with a Type 3(b) on-premise sign, may not exceed twenty feet in length, width, or height, or one hundred fifty square feet in area, including border and trim.

(c) Type 3(c) - Future site on-premise sign. A Type 3(c) future site on-premise sign may only display the name of a business activity, or other activity of interest to motorists, planned for the property upon which the sign is located and the anticipated opening date of such activity.

(i) The owner, or owner's representative, shall by letter notify the department at least thirty days prior to the installation of the proposed Type 3(c) future site on-premise sign. Said notice shall include the location, sign message, and installation date.

(ii) Type 3(c) future site on-premise signs may remain until the business activity is operational, but shall not exceed one year from the planned installation date. The sign must be removed at the end of one year after the planned installation date if the business activity is not yet operational.

(iii) Type 3(c) future site on-premise signs shall not exceed twenty feet in length, width, or height, or one hundred fifty square feet in area.

(d) Type 3(d) - Temporary political campaign sign. A Type 3(d) temporary political campaign sign may express a property owner's endorsement of a political candidate or ballot issue.

(i) Type 3(d) temporary political campaign signs are limited to a maximum size of thirty-two square feet.

(ii) Type 3(d) temporary political campaign signs must be removed within ten days after an election. After primary elections, temporary political campaign signs endorsing a successful candidate may remain up to ten days after the succeeding general election.

(e) Not more than one Type 3(a) or 3(b) sign, visible to traffic proceeding in any one direction on an interstate system highway; on a primary system highway outside an incorporated city or town or commercial or industrial area; or on a scenic system highway, may be permitted more than fifty feet from the advertised activity. Not more than one Type 3(c) sign may be installed visible to traffic proceeding in any one direction on an interstate system highway; on a primary system highway outside an incorporated city or town or commercial or industrial area; or on a scenic system highway. The act does not regulate Type 3(d) signs with regard to the number of signs installed, visibility from highways, zoning requirements, or spacing.

(i) For Type 3(a) on-premise signs, the fifty-foot distance from the advertised activity shall be measured from the sign to the nearest portion of that building, storage, or other structure or processing area, which is the most regularly used and essential to the conduct of the advertised activity as determined solely by the department.

(ii) For Type 3(b) on-premise signs, the fifty-foot distance from the advertised activity may be measured in the same manner as for Type 3(a) on-premise signs, or may be measured fifty feet from the nearest portion of a combined parking area.

(f) A Type 3(a) or 3(b) on-premise sign more than fifty feet from the advertised activity shall not be erected or maintained at a greater distance from the advertised activity than one of the options following, as applicable, selected by the owner of the business being advertised:

(i) One hundred fifty feet measured along the edge of the protected highway from the nearest edge of the main entrance to the activity advertised;

(ii) One hundred fifty feet from any outside wall of the main building of the advertised activity; or

(iii) Fifty feet from any outside edge of a regularly used parking lot maintained by, and contiguous to, the advertised activity.

(g) Electronic signs may be used only as Type 3 on-premise signs and/or to present public service information, as follows:

(i) Advertising messages on electronic signboards may contain words, phrases, sentences, symbols, trademarks, and logos. A single message or a message segment must have a static display time of at least two seconds after moving onto the signboard, with all segments of the total message to be displayed within ten seconds. A one-segment message may remain static on the signboard with no duration limit.

(ii) Displays may travel horizontally or scroll vertically onto electronic signboards, but must hold in a static position for two seconds after completing the travel or scroll.

(iii) Displays shall not appear to flash, undulate, or pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights. Displays shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or otherwise portray graphics or animation as it moves onto, is displayed on, or leaves the signboard.

(iv) Electronic signs requiring more than four seconds to change from one single message display to another shall be turned off during the change interval.

(v) No electronic sign lamp may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. In no case may the brightness exceed 8,000 nits or equivalent candelas during daylight hours, or 1,000 nits or equivalent candelas between dusk and dawn. Signs found to be too bright shall be adjusted as directed by the department.

(h) The act does not regulate Type 3(a), 3(b), 3(c), and 3(d) on-premise signs located along primary system highways inside an incorporated city or town or a commercial or industrial area.

(4) Type 4 - Off-premise signs; and

(5) Type 5 - Off-premise signs. Type 4 off-premise signs are distinguishable from Type 5 off-premise signs only by message content. Type 4 off-premise sign messages are those that do not qualify as Type 5 sign messages described in (b) of this subsection.

(a) A Type 4 sign shall be located within twelve air miles of the advertised activity. A Type 4 sign that displays any trade name which refers to or identifies any service rendered or product sold, used, or otherwise handled more than twelve air miles from such sign shall not be permitted unless the name of the advertised activity, which is within twelve air miles of such sign, is displayed as conspicuously as such trade name.

(b) A Type 5 sign displays a message of specific interest to the traveling public. On Type 5 signs, only information about public places operated by federal, state, or local governments, natural phenomena, historic sites, areas of natural scenic beauty or outdoor recreation, and places for lodging, camping, eating, and vehicle service and repair is deemed to be in the specific interest of the traveling public. A trade name is authorized on a Type 5 sign only if it identifies or represents a place of specific interest to the traveling public; or identifies vehicle service, equipment, parts, accessories, fuels, oils, or lubricants being offered for sale at such place. The display of any other trade name is not permitted on Type 5 signs.

(c) Type 4 and Type 5 signs are restricted in size to the following:

(i) Visible to interstate highways, signs may not exceed twenty feet in length, width, or height, or one hundred fifty square feet in area including border and trim but excluding supports.

(ii) Visible to primary highways, the maximum area for any one sign, except as provided in (c)(iii) of this subsection, shall be six hundred seventy-two square feet with a twenty-five-foot maximum height and a fifty-foot maximum length, including the border and trim but excluding the base or apron, supports, and structural members. Cut-outs and extensions may add up to twenty percent of additional sign area.

(iii) Each sign face of a double-faced (flanking and side-by-side) sign may not exceed three hundred twenty-five square feet.

(d) The spacing of Type 4 and Type 5 signs along interstate highways and visible to traffic traveling in one direction shall be restricted as follows:

(i) Type 4 and Type 5 signs visible to traffic approaching an intersection of the main-traveled way of an interstate high-

way and an exit roadway may not exceed the number following:

Distance from intersection	Number of signs
0 - 2 miles	0
2 - 5 miles	6
More than 5 miles	Average of one sign per mile

The specified distances shall be measured to the nearest point of intersection of the traveled way of the exit roadway and the main-traveled way of the interstate highway.

(ii) Not more than two such signs may be permitted within any mile distance and no such signs may be permitted less than one thousand feet apart.

(iii) Type 1, 2, and 3 signs shall not be considered in determining compliance with the above spacing requirements.

(iv) Type 4 and Type 5 signs may not be permitted adjacent to interstate highway right of way within the limits of an interchange, including its entrance or exit roadways.

(v) Type 4 and Type 5 signs visible to interstate highway traffic, which has passed an entrance roadway, may not be permitted within one thousand feet of the point where the entrance roadway intersects with the interstate highway. The distance shall be measured from the intersection point farthest from the preceding interchange.

(vi) Not more than one Type 4 or Type 5 sign, advertising activities conducted as a single enterprise or giving information about a single place, may be erected or maintained in such manner as to be visible to traffic moving in any one direction on any one interstate highway.

(e) The spacing of Type 4 and Type 5 signs visible to primary highways shall be restricted as follows:

(i) On limited access highways, no two signs may be spaced less than one thousand feet apart, and no sign may be located within three thousand feet of the center of a grade separated interchange, a safety rest area, or an information center, or within one thousand feet of an at-grade intersection. Not more than a total of five sign structures may be permitted per mile, including both sides of the highway. Double-faced (flanking or side-by-side) signs are prohibited.

(ii) On nonlimited access highways inside the boundaries of incorporated cities or towns, not more than a total of four sign structures, including both sides of the highway, may be permitted within a space of six hundred sixty feet or between platted intersecting streets or highways. There shall also be a minimum of one hundred feet between sign structures, including both sides of the highway.

(iii) On nonlimited access highways outside the boundaries of incorporated cities or towns, the minimum spacing between sign structures on each side of the highway shall be five hundred feet.

(iv) Back-to-back signs and V-type signs shall be considered one sign structure.

(f) The minimum space between sign structures located on the same side of the highway shall be measured between two points along the nearest edge of pavement. The measurement points are established at the origin of lines extending perpendicular from the edge of pavement to the apparent centers of the sign structures.

(g) The minimum space between sign structures located on opposite sides of the highway shall be measured in the applicable manner following:

(i) Along tangent sections, sign spacing is measured between two points along the edge of pavement in the increasing milepost direction of travel. One measurement point is established at the origin of a line extending perpendicular from the edge of pavement to the apparent center of the sign structure located in the increasing direction of travel. The second measurement point is established at the origin of a line extending perpendicular from the edge of pavement to the apparent center of the sign structure located in the decreasing direction of travel.

(ii) Along horizontal curve sections, sign spacing is measured between two points on the edge of pavement along the arc on the inside of the curve. One measurement point is established at the origin of a line extending perpendicular from the edge of pavement to the apparent center of the sign structure located along the highway in the increasing milepost direction of travel. The second measurement point is established at the origin of a line extending perpendicular from the edge of pavement to the apparent center of the sign structure located along the highway in the decreasing milepost direction of travel.

(h) Type 1, 2, 3, 7, and 8 signs shall not be considered in determining compliance with the above spacing requirements.

(i) Type 4 and Type 5 signs may be permitted within commercial and industrial areas adjacent to interstate and primary highways, provided that spacing is available as specified in (d) and (e) of this subsection.

(j) Type 4 and Type 5 signs are not permitted visible to the scenic system.

(k) Pursuant to the 1991 Intermodal Surface Transportation Efficiency Act, a National Scenic Byway Demonstration Project is established on State Route 101, from the Astoria/Megler Bridge to Fowler Street in Raymond and from the junction with State Route 109 near Queets to the junction with State Route 5 near Olympia. No new Type 4 or Type 5 signs may be permitted within the limits of this project. Type 4 or Type 5 signs installed prior to July 25, 1993, may remain as nonconforming signs.

(6) Type 6 - Landmark signs.

(a) Type 6 signs shall have been lawfully in existence on October 22, 1965, and have historic or artistic significance, including signs on farm structures or natural surfaces.

(b) Historic or artistic significance shall be determined by the department and approved by the Federal Highway Administration.

(c) Within the limits of the National Scenic Byway Demonstration Project identified in (5)(h) of this subsection, Type 6 signs may remain as nonconforming signs.

(7) Type 7 - Public service signs located on school bus stop shelters. Type 7 signs may display safety slogans or messages, and identify the donor, sponsor, or contributor of a school bus stop shelter. No other message(s) may be displayed.

(a) Safety slogans or messages must occupy at least sixty percent of the sign area, and appear more predominant than the name of the donor, sponsor, or contributor.

(b) Type 7 signs may be located on school bus stop shelters only as authorized or approved by state law or regulation, or city or county ordinance or resolution, and may be installed visible to primary and scenic system highways.

(c) Type 7 signs may not exceed thirty-two square feet. A sign shall not protrude above the roofline or beyond the sides of the school bus stop shelter.

(d) Not more than one sign on each shelter may face in any one direction.

(e) The act does not regulate Type 7 signs with regard to zoning requirements or spacing between Type 7 signs and other types of signs.

(8) Type 8 - Temporary agricultural directional signs. Type 8 signs provide directional information to places of business having seasonal agricultural products for sale.

(a) Type 8 signs may display the business name, product(s) for sale, travel direction, and travel distance to the nearest mile from the state highway to the business.

(b) Type 8 signs may not exceed thirty-two square feet.

(c) There shall be at least three hundred feet spacing between Type 8 signs.

(d) Not more than two signs advertising a place of temporary agricultural business may be installed visible to traffic proceeding in one direction of travel on any one state route.

(e) Premises on which the seasonal agricultural products are sold must be within fifteen air miles of the state highway.

(f) Type 8 signs may be posted only during the period of time the seasonal agricultural product(s) is being sold.

(g) Any necessary supplemental follow-through signs along city streets or county roads must be installed before the Type 8 signs may be installed visible to the state highway.

(h) The signs may be installed visible to primary system highways outside incorporated cities or towns, and scenic system highways.

(i) Type 8 signs may not be installed visible to interstate highways, including interstate highways that are also part of the scenic system, or visible to primary system highways within incorporated cities or towns.

(j) The act does not regulate Type 8 signs with regard to zoning requirements or spacing between Type 8 signs and other types of signs.

AMENDATORY SECTION (Amending WSR 06-03-005, filed 1/4/06, effective 2/4/06)

WAC 468-66-210 Permit issuance and maintenance.

(1) No signs except Type 1, Type 2, or Type 3 signs, shall be erected or maintained adjacent and visible to interstate system, primary system, or scenic system highways without a permit issued by the department. A permit to erect and maintain a sign that complies with the requirements of this chapter and is adjacent and visible to an interstate system, primary system, or scenic system highway will be issued by the department in accordance with this section. ~~((Subsections (2) through (8) of this section pertain to permits for Types 4, 5, 6, and 7 signs; subsection (9) of this section pertains to permits for Type 8 signs; subsection (10) of this section pertains to permits for Types 4, 5, and 8 signs; and subsections (11) and (12) of this section pertain to permits for Types 4, 5, 6, 7, and 8 signs.))~~

(2) Permit applications for Types 4, 5, 6, and 7 signs will be accepted only at the department's headquarters located in Olympia, Washington. Applications transmitted by mail shall be considered received as of the date delivered to the department, rather than the postmarked date of mailing.

(3) Application forms for Type 4, 5, 6, and 7 signs, titled Application - Outdoor Advertising Sign Permit, shall be certified by the sign owner under penalty of perjury under the laws of the state of Washington and contain the information following:

(a) The name and address of the sign owner, with a signed statement that says "I, the undersigned applicant, declare under penalty of perjury under the laws of the state of Washington that the information provided herein, concerning the location of sign, sign description, and property owner/lessee, is accurate and true. I also acknowledge that any discrepancy in such information discovered hereafter is cause for the department of transportation to revoke this sign permit; and further declare that, after permit revocation, I shall remove without compensation any sign erected under such permit." The signature block shall also contain space for the sign owner to list the location, city, county, and state, where the sign owner signs the application.

(b) The statement and signature of the owner of the property on which the sign is to be erected and maintained, which states that the property owner consents to the sign installation and maintenance. A complete and valid lease between the sign owner and the property owner may be accepted in lieu of the property owner's statement and signature.

(c) A statement or site map that describes or shows both the precise location of the proposed sign site and a readily identifiable stake or other marker placed in the ground at the site.

(d) A description of the proposed sign's size, shape, and directional orientation to an identified state route.

(e) A description of the advertising copy or message to be placed on the sign, if the sign is intended to be visible to the interstate system.

(f) Other information that the department may require.

(4) Applications for Type 4, 5, 6, and 7 signs shall be accompanied by a nonrefundable fee of ~~((three hundred)) one hundred fifty~~ dollars for each sign structure ~~((, except Type 7 signs for which the fee is three hundred dollars for each sign fee))~~.

(5) Type 4, 5, 6, and 7 sign permits shall be for the remainder of the calendar year in which they are issued; accompanying fees shall not be prorated for fractions of the year. Permits are renewed annually through the certification process following:

(a) Prior to January 1 of each year the department shall require, through the use of a permit renewal certification form, permit renewal certification from each permit holder.

(i) To renew a permit, the permit holder or the permit holder's representative shall recertify by signature under penalty of perjury under the laws of the state of Washington that all information on the permit is accurate and that the permit holder desires to retain the permit in good standing for the upcoming calendar year.

(ii) Type 4 and 5 rental income signs shall be charged an annual renewal fee of one hundred fifty dollars per permit.

(iii) The completed permit renewal certification shall be returned to the department not later than December 31.

(b) If the department does not receive the required permit renewal certification and any required permit renewal fees by December 31, the permit will automatically terminate, the sign will become an illegal sign, and the department will initiate proceedings as authorized by RCW 47.42.080 to remove the illegal sign. The department shall cause the permit renewal certification form to contain this information.

(6) Changes in size, shape, or position of a permitted sign shall be reported to the department in Olympia at least ten days before a change is to be made. In the case of Type 4 and Type 5 signs permitted along the interstate system, changes in copy shall be reported to the department in Olympia at least ten days before a change is to be made to assure compliance with WAC 468-66-050 (5)(d)(vi).

(7) The department shall be notified when permits in good standing are assigned to another sign owner.

(8) If a permitted sign is intended for relocation, the sign owner must submit a new permit application.

(9)(a) Pursuant to RCW 47.42.130, for every permit issued the department shall also issue ~~((an aluminum))~~ a tag that has the department-assigned permit number stamped on its face. ~~((The maximum size of the tag is sixteen square inches.))~~

(b) The permittee shall fasten the ~~((aluminum))~~ tag to the sign so it is plainly visible to the highway.

(c) The department will replace a lost or otherwise missing ~~((aluminum))~~ tag after the sign owner pays a replacement fee of thirty dollars.

(10) For Type 8 signs, permit application forms, titled Permit Application - Temporary Agricultural Directional Sign, accompanied by a fee of fifty dollars for each sign face must be submitted to the ~~((appropriate region office of the department))~~ department's headquarters located in Olympia, Washington. Submittals must include the same information required by subsection (3)(a) through (f) of this section for Types 4, 5, 6, and 7 signs, and:

(a) An exact description of the location of the temporary agricultural business activity;

(b) A description of the proposed sign copy;

(c) Identification of the products sold;

(d) Expected weeks/months of sales; and

(e) The Uniform Business Identifier number assigned by the Washington state department of licensing.

After the ~~((department's region office))~~ department approves the application, the permit becomes valid. The sign may be erected at the beginning of the sale season and shall be removed at the end of the sale season. The permit shall be valid for five consecutive years from the date of application approval. A new permit application must be submitted and approved by the ~~((department's region office))~~ department prior to erecting a sign at a location where the five-year permit has expired.

(11) Where the number of applications for available Types 4, 5, 6, and 7 sign sites exceeds the number of available sites, permits shall be awarded on the basis of first received by date and time at the department's headquarters office in Olympia. ~~((Where the number of applications for available Type 8 sign sites exceeds the number of available~~

~~sites, permits shall be awarded on the basis of first received by date and time at the department's regional office having jurisdiction over the sites.))~~ In the case of a tie between applicants, and upon notification thereof by the department, the department shall determine by lot which applicant shall receive the permit.

(12) A permit issued under this chapter does not relieve the permittee from the duty to comply with all local ordinances or resolutions pertaining to signs and sign structures.

(13) In the event the department has initiated permit revocation proceedings under WAC 468-66-220, the department shall not accept new permit applications for the sign location at issue until such proceedings are concluded and any required signs removed.

WSR 14-19-084

PROPOSED RULES

EASTERN WASHINGTON UNIVERSITY

[Filed September 16, 2014, 8:57 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-15-097.

Title of Rule and Other Identifying Information: Revising chapter 172-06 WAC, Organization and operation, to update rules reflecting the organization and operation of Eastern Washington University.

Hearing Location(s): Eastern Washington University, Main Campus, Showalter Hall, Room 201, Cheney, Washington 99004, on November 5, 2014, at 11:00 a.m.

Date of Intended Adoption: November 21, 2014.

Submit Written Comments to: University Policy Administrator, 214 Showalter Hall, Cheney, WA 99004, e-mail tlutey@ewu.edu, fax (509) 359-7036, by November 4, 2014.

Assistance for Persons with Disabilities: Contact Trent Lutey by November 4, 2014, (509) 359-6322.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These revisions are intended to update informational rules which inform the public about the organization, operation, description and general course and method of decision making at Eastern Washington University. These revisions are needed to better comply with state law and better reflect current practice.

Statutory Authority for Adoption: RCW 28B.35.120 (12).

Statute Being Implemented: Not applicable.

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

Name of Agency Personnel Responsible for Drafting: Trent Lutey, 214 Showalter, Cheney, WA 99004, (509) 359-6322; Implementation and Enforcement: Laurie Connelly, 214 Showalter, Cheney, WA 99004, (509) 359-2371.

No small business economic impact statement has been prepared under chapter 19.85 RCW. WAC revision does not impose a disproportionate impact on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. Chapter 172-121 [172-06] WAC is not considered a significant legislative rule by Eastern Washington University.

September 16, 2014

Trent Lutey
University Policy Administrator**Chapter 172-06 WAC****ORGANIZATION AND OPERATION**AMENDATORY SECTION (Amending WSR 13-24-118, filed 12/4/13, effective 1/4/14)

WAC 172-06-010 Organization (~~and operation~~). (1) (~~Organization-~~) Eastern Washington University is established in Title 28B RCW as a public institution of higher education. The university's central office is located at 214 Showalter Hall, Cheney, WA 99004-2496. Normal Business hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except state legal holidays. The university also has several satellite educational programs located throughout the state; however, the administration of satellite programs is carried out through the central office. (~~The institution is governed by a board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the institution. The president establishes the structure of the administration-~~)

(2) The institution is governed by a board of trustees, appointed by the governor. The board consists of eight members. The board employs a president, who acts as the chief executive officer of the institution. The president establishes the structure of the administration. (~~Operation. The administrative office is located at 214 Showalter Hall, Cheney, WA 99004-2496. The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except state legal holidays. Educational operations are also located at the Riverpoint Campus, 668 N. Riverpoint Blvd., Spokane, WA 99202-1677.~~)

(3) The university is organized into divisions, administered by vice presidents, including academic affairs, business and finance, student affairs, information technology, and university advancement. All vice presidents are directly responsible for operations within their divisions. The vice presidents directly report to the president of the university. (~~Information. Additional and detailed information concerning the university's educational offerings is available through the university's web site at-~~)

(4) The public may obtain information, make submittals or requests, and obtain copies of university decisions by contacting the university president's staff located in the central office. Additional and detailed information concerning the university is available through the university's web site at www.ewu.edu.

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 172-06-020 Operations and procedures. (1) University rules are promulgated in accordance with the Administrative Procedure Act (APA), chapter 34.05 RCW and approved by the Board of Trustees.

(2) The university may promulgate internal policies that are not governed by the APA. Policies that are generally applicable to the university are approved by the Board of Trustees. Under special circumstances, interim policies may be adopted by the university president acting with authority delegated by the board of trustees. Units of the university may adopt policies that govern their area of responsibility. The university may consult with the academic senate and/or the Associated Students of Eastern Washington University when considering a change in policies or rules.

(3) Informal procedures regarding university operations typically include:

(a) Decisions made by persons authorized by board resolution, the president, vice president or any designee to make a decision within the scope of responsibility assigned to such person; or

(b) Methods of persuasion used by any person in an attempt to influence university decisions.

NEW SECTION

WAC 172-06-030 University rules library. The university maintains a repository of its WACs and university policies, which is open to the general public, at www.ewu.edu/policy. This repository includes current substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the university. Historical amendments, revisions, and/or former provisions may be obtained through the university president's office.

WSR 14-19-085
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed September 16, 2014, 9:14 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-13-107.

Title of Rule and Other Identifying Information: Chapter 296-17 WAC, General reporting rules and chapter 296-17A WAC, Classifications: WAC 296-17-31013 Building construction; WAC 296-17A-0101-36, Tree care and pruning services, N.O.C.; WAC 296-17A-0308, Lawn care, and fertilizing and spraying operations; WAC 296-17A-0509, Overhead utility lines; and WAC 296-17A-0106-00, Tree care and pruning services, N.O.C.

Hearing Location(s): Whatcom Community College, 237 West Kellogg Road, Room FND 105, Bellingham, WA 98226, on October 22, 2014, at 11:00 a.m.; at Spokane CenterPlace, 2426 North Discovery Place, Spokane Valley, WA 99216, on October 23, 2014, at 11:00 a.m.; at the Richland

Community Center, Activity Room, 500 Amon Park Drive, Richland, WA 99352, on October 24, 2014, at 11:00 a.m.; at the Department of Labor and Industries, Auditorium, 7273 Linderson Way S.W., Tumwater, WA 98501, on October 27, 2014, at 11 a.m.; at L&I Tukwila, 12806 Gateway Drive, Tukwila, WA 98168, on October 28, 2014, at 11:00 a.m.; and at the Vancouver Northwest Regional Training Center, 11606 N.E. 66 Street, Suite 103, Vancouver, WA 98662, on October 30, 2014, at 11:00 a.m.

Date of Intended Adoption: November 25, 2014.

Submit Written Comments to: Richard Bredeson, Department of Labor and Industries, P.O. Box 44148, Tumwater, WA 98504, e-mail Richard.Bredeson@Lni.wa.Gov, fax (360) 902-5830, by October 31, 2014.

Assistance for Persons with Disabilities: Contact office of information and assistance by 5:00 p.m., October 5, TTY (360) 902-5797.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing reclassifying tree care and pruning services as an independently rated classification, 0106-00, Tree care and pruning services, N.O.C. These businesses are currently rated as a subclassification of classification 0101.

In a separate rule making, the department will propose new rates for classification 0106 (tree care and pruning services) and classification 0101 (without tree care and pruning services) to take effect January 1, 2015.

Reasons Supporting Proposal: Loss and exposure data, as well as business operations of the industries involved, do not support 0101-36 (tree care and pruning services) being rated jointly with the other subclassifications in 0101.

Statutory Authority for Adoption: RCW 51.04.020(1), general authority.

Statute Being Implemented: RCW 51.16.035.

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

Name of Proponent: Department of labor and industries, governmental.

Name of Agency Personnel Responsible for Drafting: Richard Bredeson, Tumwater, Washington, (360) 902-4985; Implementation: Les Hargrave, Tumwater, Washington, (360) 902-4298; and Enforcement: Victoria Kennedy, Tumwater, Washington, (360) 902-4997.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Since the proposed rules set or adjust fees or rates pursuant to legislative standards described in RCW 34.05.310 (4)(f) and do not change current coverage options for employers and workers, they are exempted from a small business economic impact statement.

A cost-benefit analysis is not required under RCW 34.05.328. Since the proposed rules do not change any existing coverage options for employers or workers, and adjust fees pursuant to legislative standards, they are exempted by RCW 34.05.328 (5)(b)(vi) from the requirement for a cost-benefit analysis.

September 16, 2014
Joel Sacks
Director

AMENDATORY SECTION (Amending WSR 08-15-132, filed 7/22/08, effective 10/1/08)

WAC 296-17-31013 Building construction. (1) Does this same classification approach apply to building and construction contractors?

Yes, but it may not appear that way without further explanation. We classify contractors by phase and type of construction since it is common for each contract to vary in scope.

*Example: A contractor who builds and remodels private residences may frame the structure and work on no other phases of the project. On another job the same contractor may do only the interior finish carpentry. On still another job the contractor may install a wood deck or build a garden arbor. Each of these carpentry activities is covered by a different classification code. To ensure that contractor businesses receive the same treatment as other businesses, we assign classifications according to the phases and types of construction they contract to perform. Since some contractors specialize in one area of construction, such as plumbing, roofing, insulation, or electrical services, this classification approach mirrors that of nonbuilding contractor businesses. The policy of assigning several basic classifications to contractors engaged in multiple phases of construction may seem to be in conflict with the classification approach used for nonbuilding contractor businesses, but we have simply used the **multiple business** classification approach.*

If we have assigned multiple classifications to your construction business you should take special care in maintaining the records required in the auditing and recordkeeping section of this manual. If we discover that you have failed to keep the required records we will assign all worker hours for which the records were not maintained to the highest rated classification applicable to the work that was performed.

(2) Who does this rule apply to?

If you are a building, construction or erection contractor and we have assigned one or more of the following classifications to your business, this rule applies to you: 0101, 0103, 0104, 0105, 0106, 0107, 0108, 0112, 0201, 0202, 0210, 0212, 0214, 0217, 0219, 0301, 0302, 0303, 0306, 0307, 0403, 0502, 0504, 0507, 0508, 0509, 0510, 0511, 0512, 0513, 0514, 0516, 0517, 0518, 0519, 0521, 0540, 0541, 0550, 0551, 0601, 0602, 0603, 0607, 0608, and 0701.

(3) Can I have a single classification assigned to my business to cover a specific construction project?

Yes, to simplify recordkeeping and reporting requirements we will assign a single classification to cover an entire project.

(4) How do I request the single classification for one of my construction projects?

You should send your request to the attention of your account manager at the address below:

Department of Labor and Industries
P.O. Box 44144
Olympia, Washington 98504-4144

(5) If I have asked for a single classification on one of my construction projects, how do you determine which classification will apply?

You must supply us with a description of the project and a break down of the total number of hours of exposure by phase of construction that you are responsible for.

Example: *You notify us that your company will be responsible for all plumbing and iron erection work on a commercial building site. You have requested a single classification for this project. In your request you tell us that you estimate that it will take one thousand work hours to perform all the plumbing work and five hundred work hours to do the steel erection work.*

With this information we will estimate the premiums by classification.

Example: *We determine that the plumbing work is covered under classification 0306 and the steel erection work is covered under classification 0518. Assume that classification 0306 has an hourly premium rate of \$1.50 and classification 0518 has an hourly premium rate of \$2.55. We estimate the total premium on this job to be \$2,775 (1,000 hours x \$1.50 = \$1,500 + 500 hours x \$2.55 = \$1,275).*

Our next step in this process is to develop an average hourly rate for the project. We will use this information to select the single classification which will apply to this project.

Example: *We will take the estimated premium (\$2,775) and divide this number by the estimated hours (1,500) and arrive at an average hourly rate of \$1.85.*

To select the single classification that will apply to a construction project, we will compare the average hourly rate that we have computed to the rates of the classifications applicable to the project. We will select the classification whose hourly rate is the closest to the average hourly rate that we computed from the information you supplied us with.

Example: *From the information you supplied, we have determined that the average hourly rate for this project is \$1.85. We also know that the rate for the plumbing classification (0306) is \$1.50 per hour and the rate for steel erection is \$2.55 per hour. We would assign classification 0306 as the single classification applicable to this project.*

(6) How will I know what classification will apply to my construction project?

We will send you a written notice which will specify the basic classification and premium rate that will apply to this project.

(7) If I have asked for a single classification to cover one of my construction projects, am I required to use the single classification which you gave me?

No, but you should call your account manager to verify what other classifications would apply to the project. The name and phone number of your account manager can be found on your quarterly premium report or your annual rate notice. For your convenience you can call us at 360-902-4817 and we will put you in contact with your assigned account manager.

(8) I am a general construction or erection contractor(s); I subcontract all my work and have no employees of my own. Do I have to report to the department of labor and industries?

No, since you do not have employees, you do not need to report to the department of labor and industries. You should be aware that the workers' compensation insurance laws of

Washington include certain independent contractors as workers. If we determine that an independent contractor that you used qualifies as a covered worker, you will be responsible for the premium due for their work time. You can also be held responsible for premiums due to labor and industries if you subcontract with an unregistered contractor and they fail to pay premiums on behalf of their employees. It is in your best interest to make sure that your subcontractors are registered contractors in good standing by confirming their status on the department's web site or contacting your account manager.

(9) Am I required to keep any special records of subcontractors that I use?

Yes, you are required to keep certain information about the subcontractors that you use. The information required is:

- Subcontractor's legal name;
- Contractor registration number and expiration date;
- UBI number (or labor and industries account ID number).

If you supply materials to a subcontractor, also keep a record of the:

- Amount of material supplied;
- Project name or location;
- Date material was supplied; and
- Completion date of contracted work.

Failure to maintain these records may result in the subcontractor being considered a covered worker for whom you must report hours.

(10) What classification should I use to report construction site cleanup by my employees? You should report the cleanup of construction debris in the same classification that applied to the work which generated the debris unless another classification treatment is provided for in other rules. For example, if you are a roofing contractor and you have an employee pick up roofing debris at the construction (project) site, you would report the employee involved in the site cleanup in the roofing classification (0507). If you are the general contractor at a construction site and have either classification 0510 "wood frame building construction" or classification 0518 "nonwood frame building construction" assigned to your business, you would report site cleanup in the classification applicable to the type of building you are constructing. For example, if you are a general contractor and you are engaged in building a single-family wood frame dwelling, you would report construction site cleanup by your employees in classification 0510 "wood frame building construction."

(11) I am a construction site clean-up contractor, my employees only pick up construction debris, we do no construction work, what classification do I report site cleanup in? If your employees are collecting and/or removing construction site debris, you would report in classification 4305-22. If your employees are collecting and/or removing nonconstruction debris such as household junk, garden waste, basement debris, furniture and appliances, you would also report in classification 4305-22. If you have contracts to clean up construction debris and also provide preoccupancy clean up work and are not a construction contractor, then you can divide hours between the two risk classifications 4305-22 and 6602-03 providing accurate accounting records are kept for both activities.

(12) **What classification should I use to report the work time of my employees when they are involved in the set up of scaffolding, hoists, cranes, towers or elevators at a construction site?** We use the same classification treatment for this type of work as we do with construction site cleanup. For example, if you are a roofing contractor and you have an employee set up scaffolding at the construction (project) site, you would report the employee involved in the set up of scaffolding in the roofing classification (0507). If you are the general contractor at a construction site and have either classification 0510 "wood frame building construction" or classification 0518 "nonwood frame building construction" assigned to your business, you would report the set up of scaffolding at the construction in the classification applicable to the type of building you are constructing. For example, if you are a general contractor and you are engaged in building a single-family wood frame dwelling, you would report scaffolding set up by your employees in classification 0510 "wood frame building construction." Helicopter services that are engaged to assist in lifting beams, air conditioning units, statues and other objects onto buildings or structures are to be reported separately in classification 6803.

(13) **Is preoccupancy cleanup of a building by my employees classified the same as debris cleanup at a construction site?** Since your understanding of what preoccupancy clean-up work is may be different from ours, we need to share with you our understanding before we can answer this question. Our understanding in this area is that preoccupancy cleanup occurs after the building is finished. The clean-up work consists of washing paint and overspray from windows, vacuuming carpets, washing floors and fixtures, and dusting woodwork, doors and cabinets. If you have employees whose duties are limited to this type of cleaning, we will allow you to report their work time in classification 6602 "janitors."

(14) **If I have an employee who does some construction work, construction site cleanup and preoccupancy cleanup, can I divide their work time between the janitor and a construction classification?** No, we will not permit you to divide the work time of an employee between the janitor classification and a construction classification. If you have an employee who does preoccupancy clean-up work for you, and that employee also performs other nonpreoccupancy clean-up work for you such as construction work, shop work or construction site debris clean-up work, then you must report all of their work time in the applicable construction or nonshop classification.

AMENDATORY SECTION (Amending WSR 09-24-082, filed 11/30/09, effective 1/1/10)

WAC 296-17A-0101 Classification 0101.

0101-00 Land clearing: Highway, street and road construction, N.O.C.

Applies to contractors engaged in clearing right of ways for subsurface construction on a new or existing highway, street, or roadway project that is not covered by another classification (N.O.C.). The subsurface is the roadbed foundation consisting of dirt, sand, gravel and/or ballast which has been leveled and compressed. Unless the finished project is a com-

pressed gravel road, the subsurface or sub base is constructed prior to any asphalt or concrete paving activities. Work contemplated by this classification involves the excavation of rocks and boulders, removal of tree stumps, clearing or scraping land of vegetation, grubbing, earth excavation, cut and fill work, and bringing the roadbed to grade. Equipment used by contractors subject to this classification includes a variety of earth moving equipment such as, but not limited to, shovels, scrapers, bulldozers, graders, rollers, and dump trucks.

This classification excludes asphalt surfacing or resurfacing on roadways which is to be reported separately in classification 0210; construction specialty services such as the installation of guardrails, lighting standards and striping which is to be reported separately in classification 0219; bridge or tunnel construction including the abutments and approaches which is to be reported separately in classification 0201; felling of trees which is to be reported separately in the applicable logging classification; and logging road construction which is to be reported separately in classification 6902.

0101-01 Land clearing: Airport landing strips, runways and taxi ways; alleys and parking lots

Applies to contractors primarily engaged in clearing right of ways for subsurface construction on a new or existing airport landing strip, runway, and taxi way. This classification also includes clearing of right of ways for alley and parking lot projects. The subsurface is the foundation consisting of dirt, sand, gravel and/or ballast which has been leveled and compressed. Unless the finished project is compressed gravel, the subsurface or sub base is constructed prior to any asphalt or concrete paving activities. Work contemplated by this classification involves the excavation of rocks and boulders, removal of tree stumps, clearing or scraping land of vegetation, grubbing, earth excavation, cut and fill work, and bringing the roadbed or project site to grade. Equipment used by contractors subject to this classification includes a variety of earth moving equipment such as, but not limited to, shovels, scrapers, bulldozers, graders, rollers, and dump trucks.

This classification excludes asphalt surfacing or resurfacing on roadways which is to be reported separately in classification 0210; construction specialty services such as the installation of guardrails, lighting standards and striping which is to be reported separately in classification 0219; and felling of trees which is to be reported separately in the applicable logging classification.

0101-02 Excavation work, N.O.C.

Applies to contractors engaged in general excavation work for others that is not covered by another classification (N.O.C.). Work contemplated by this classification involves excavating or digging of earth to form the foundation hole such as for a wood-frame or nonwood-frame building and side sewer hookups (street to house) when performed as part of the excavation contract. Activities include, but are not limited to, excavation of rocks and boulders, removal of tree stumps, clearing or scraping land of vegetation, grubbing, piling or pushing of earth, earth excavation, cut and fill work, backfilling, etc. Equipment used by contractors subject to this classification includes a variety of earth moving equipment

such as, but not limited to, shovels, scrapers, bulldozers, graders and dump trucks.

This classification excludes asphalt surfacing or resurfacing on roadways which is to be reported separately in classification 0210 and felling of trees which is to be reported separately in the applicable logging classification.

0101-03 Grading work, N.O.C.

Applies to contractors engaged in various forms of grading work for others that are not covered by another classification (N.O.C.). Typical equipment used is a grader, but other equipment such as a bulldozer and a front end loader may also be used. Work contemplated by this classification includes, but is not limited to, leveling and grading lands, spreading dirt, sand, gravel and/or ballast to desired contour on farm lands or other tracts of land.

0101-04 Land clearing, N.O.C.

Applies to contractors engaged in general land clearing work that is not covered by another classification (N.O.C.). This classification includes, but is not limited to, excavation of rocks and boulders, removal of tree stumps, clearing or scraping land of vegetation, grubbing, piling or pushing of earth to rearrange the terrain, earth excavation, cut and fill work, backfilling, and slope grooming. Equipment used by contractors subject to this classification includes a variety of earth moving equipment such as, but not limited to, shovels, scrapers, bulldozers, graders and dump trucks.

This classification excludes felling of trees which is to be reported separately in the applicable logging classification.

0101-16 Railroad line: Construction, maintenance and repair, N.O.C.

Applies to contractors engaged in the construction, maintenance and repair of railroad tracks not covered by another classification (N.O.C.), including the dismantling of track and the sale of salvaged track metal and ties. Work contemplated by this classification includes all operations on new or existing main lines, side tracks and spurs to industrial properties. This classification includes, but is not limited to, the laying of rock or ballast, laying of ties and track, installation of crossover frogs and switches, erection of switch stands and switch mechanism, erection of cattle guards, the placing of grade crossing planks, and similar activities related to the laying or relaying of railroad lines and also includes the dismantling of railroad main lines, side tracks and spurs to include track, ties, etc., and the subsequent storage and sale of salvaged material after the railroad line is dismantled.

This classification excludes asphalt surfacing/resurfacing and all concrete construction work which is to be reported separately in the applicable asphalt or concrete construction classification; logging railroad construction which is to be reported separately in classification 6902; and the construction, maintenance, or repair of an elevated railway which is to be reported separately in classification 0508.

0101-17 Retaining wall: Construction or repair when done in connection with road, street and highway construction, N.O.C.

Applies to contractors engaged in the construction or repair of retaining walls in connection with highway, street, or roadway projects that are not covered by another classification

(N.O.C.). Retaining walls are often constructed to protect against potential problems such as earth slides or erosion of banks alongside a roadway or overpass. Work contemplated by this classification involves large scale excavation to contour a specific area of earth serving as a retaining wall. Activities include, but are not limited to, excavation, clearing, cut and fill work, backfilling, grading and slope grooming. Fill material used may include dirt, sand, stone or boulder. Equipment used by contractors subject to this classification includes, but is not limited to, scrapers, bulldozers, graders, backhoes and dump trucks.

This classification excludes asphalt surfacing or resurfacing on roadways which is to be reported separately in classification 0210; concrete construction which is to be reported separately in the applicable concrete construction classification; construction specialty services such as the installation of guardrails, lighting standards and striping which is to be reported separately in classification 0219; bridge or tunnel construction including the abutments and approaches which is to be reported separately in classification 0201; felling of trees by chain saw which is to be reported separately in classification 5001; logging road construction which is to be reported separately in classification 6902; and tunnels and approaches including lining, cofferdam work, shaft sinking and well digging with caissons which is to be reported separately in classification 0201.

~~**0101-36 Tree care and pruning services, N.O.C.**~~

~~Applies to specialist contractors engaged in providing a variety of tree care services such as tree topping and tree pruning that are not covered by another classification (N.O.C.). Work contemplated by this classification generally takes place in residential areas, parking lots, business parks, shopping malls, or settings adjacent to nonforestry or timberland roadways. A primary purpose of this work is to remove tree or branch hazards from power lines, structures, or buildings. This classification includes, but is not limited to, incidental ground operations such as picking up branches and limbs, operating mobile chip machines used in connection with a tree care service, spraying or fumigating of trees, debris removal and stump removal when conducted by employees of an employer subject to this classification.~~

~~This classification excludes tree care services done in connection with an orchard operation which is to be reported separately in classification 4803 when performed by orchard employees; tree care services done in connection with a nursery operation which is to be reported separately in classification 4805; tree care services done in connection with a public or private forest or timberland which is to be reported separately in classification 5004; tree care services done in connection with a Christmas tree farm operation which is to be reported separately in classification 7307; and felling trees which is to be reported separately in classification 5001-))~~

0101-37 Soil remediation

Applies to establishments engaged in various types of remediation of soil contaminated with hazardous or toxic materials. Soil remediation can take place at the site of the contamination, or the contaminated soil may be hauled to another area for remediation. This classification also includes oil spill cleanup on land. Equipment used will include back-

hoes and front end loaders, as well as other types of dirt moving equipment.

The methods used for soil remediation include, but are not limited to:

- Bio-remediation: Contaminated soil is mixed with nutrients, sawdust, and various other additives. Naturally occurring bacteria in the soil break down the pollutants.

- Encapsulation: Contaminated soil is enclosed in some type of protective material to prevent drainage into surrounding soil.

- Excavation and hauling to an approved disposal site.

- Hot air vapor extraction: A burner unit is mounted on a trailer. Contaminated soil is arranged in layers on which an aluminum perforated pipe system is placed at 2' intervals, with a return pipe on the top layer. The soil stack is enclosed in visqueen, then hot air is pumped into the piping system which creates the steam that is recycled through the system and carries the contaminants back through the catalytic burner. Because of the catalytic action there are virtually no contaminants exhausted into the atmosphere.

- Soil vapor extraction: A series of holes are bored in the ground and vacuum pumps are used to suck the trapped gases which are drawn through carbon filters for decontamination.

- In situ vitrification: Graphite electrodes are fed into contaminated soil at a specified rate, where high voltage "melts" the organic and inorganic materials in the soil and forms a solid, glasslike substance.

- Land farming: Contaminated soil is deposited and spread out by a farm type spreader on an area of ground dedicated for this purpose. Chemical or manure fertilizer is added to provide a medium for naturally occurring bacteria to thrive. (This part is similar to bio-remediation.) The soil is turned frequently by tillers or rototillers to assist in the aeration of the soil and in the growth of the bacteria. It may take anywhere from a month to two years to cleanse the soil, depending on the volatility of the contaminants. This method is used particularly with soil that is heavily contaminated with oil.

- Mobile incineration: Contaminated soil is loaded onto a conveyor belt which carries it into the hopper of a mobile unit mounted on a lowboy trailer. The unit is heated to burn off the contaminants in the soil. The mobile unit contains a type of dust-collecting mechanism which filters out gases and other nondesirable elements so only clean air enters the atmosphere as the refreshed soil is produced. There are various methods of mobile incineration, but the general process and the end result are similar.

- Thermal desorption: A process similar to mobile incineration.

- Stabilization: Concrete landfill cells are created by mixing cement with refuse or other contaminated soil to stabilize the material and reduce the seepage into the surrounding soil.

This classification excludes oil spill cleanup involving diking or ditching work which is to be reported separately in classification 0201.

0101-39 Pool or pond excavation Placement of pool or pond liners

Applies to contractors engaged in the excavation of pools or ponds. Work contemplated by this classification

involves excavating or digging of earth to form the hole such as for a swimming pool or pond. Work contemplated by this classification includes excavation of rocks and boulders, removal of tree stumps, clearing or scraping land of vegetation, grubbing, piling or pushing of earth, earth excavation, cutting, filling or backfilling, etc. Equipment used by contractors subject to this classification includes a variety of earth moving equipment such as, but not limited to, shovels, bulldozers, backhoes and dump trucks. This classification includes the placement of plastic pool and pond liners provided it is not in connection with concrete work.

This classification excludes concrete construction which is to be reported separately in the applicable concrete construction classification.

0101-40 Mowing or chemical spraying of roadway median strips, roadsides, and/or power line right of ways

Applies to contractors engaged in mowing, grooming, picking up litter, and chemical spraying of roadway median strips and edges, roadsides, and power line right of ways. Work contemplated by this classification includes spraying chemicals to control weeds and unwanted vegetation, tall grass, brush, brambles and tree seedlings as part of a roadway, roadside or right of way maintenance contract. Equipment used by contractors subject to this classification includes, but is not limited to, a variety of equipment such as backhoes, tractors, push mowers, brush mowers, weed eaters, as well as hand tools such as machetes, sickles, and pruners.

This classification excludes mowing and/or grooming of roadway median strips, roadsides, and power line right of ways when performed by employees of cities, counties, state agencies, or other municipalities which is to be reported in the classification applicable to the type of municipality performing the work; forest, timber or range land contract work which is to be reported separately in the classification applicable to the work being performed; and the felling and removal of trees by chain saw which is to be reported separately in classification 5001.

Special note: Classification 0301, "landscape construction," and classification 0308, "landscape maintenance," are not to be assigned to mowing and/or grooming of roadway median strips, roadsides, and power line right of ways.

NEW SECTION

WAC 296-17A-0106 Classification 0106.

0106-00 Tree care and pruning services, N.O.C.

Applies to specialist contractors engaged in providing a variety of tree care services such as tree topping and tree pruning that are not covered by another classification (N.O.C.). Work contemplated by this classification generally takes place in residential areas, parking lots, business parks, shopping malls, or settings adjacent to nonforestry or timberland roadways. A primary purpose of this work is to remove tree or branch hazards from power lines, structures, or buildings. This classification includes, but is not limited to:

- Incidental ground operations such as picking up branches and limbs;
- Operating mobile chip machines used in connection with a tree care service;

- Spraying or fumigating of trees;
- Debris removal and stump removal when conducted by employees of an employer subject to this classification.

This classification excludes:

- Tree care services done in connection with an orchard operation which is to be reported separately in classification 4803 when performed by orchard employees;
- Tree care services done in connection with a nursery operation which is to be reported separately in classification 4805;
- Tree care services done in connection with a public or private forest or timberland which is to be reported separately in classification 5004;
- Tree care services done in connection with a Christmas tree farm operation which is to be reported separately in classification 7307; and
- Felling trees which is to be reported separately in classification 5001.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-0509 Classification 0509.

0509-00 Overhead telephone or telegraph lines: New construction or extension of lines - Including poles or towers; erection, maintenance or repair by contractor

Applies to contractors engaged in the construction, maintenance or repair of overhead telephone or telegraph lines, poles and towers. Work contemplated by this classification includes, but is not limited to, clearing a right of way (excluding logging-type operations), boring holes for poles to be set in, installing cross arms, insulators and brackets on poles (which may be wood or metal), setting poles or towers into position, installing guy wires if necessary, stringing the lines, incidental tree topping, tying into the low-voltage power source, and making service connections when done by employees of an employer having operations subject to this classification. Towers may be of a solid wall, cylindrical steel construction or of a fabricated steel cross member design reaching a height of about 50 feet, and are secured to a concrete pad or set into the ground. They may be used to elevate the lines to cross long distances or to support microwave antennae or receivers.

This classification excludes specialty contractors engaged in any single phase of the work described above: Land clearing and grading operations which are to be reported separately in classification 0101; erection of poles or towers which is to be reported separately in classification 0508; drilling holes which is to be reported separately in classification 0103; tree topping which is to be reported separately in classification ((0104)) 0106; service connections which are reported separately in classification 0608; underground telephone line installation which is to be reported separately in classification 0107; and the felling of timber which is to be reported separately in the applicable logging classification.

Special note: If done by a telephone or telegraph company the work described above is included in classification 1303. A contractor engaged in the installation of electric and/or cable television overhead lines in addition to telephone

and telegraph lines is to be reported in classification 0509-03. If a specialty contractor is only stringing telephone or telegraph lines, and not erecting poles or towers, classification 0509-00 is still applicable.

0509-01 Overhead television lines: New construction or extension of lines - Including poles or towers; erection, maintenance or repair by contractor

Applies to contractors engaged in the construction, maintenance or repair of overhead television lines, poles and towers. Work contemplated by this classification includes, but is not limited to, clearing a right of way (excluding logging-type operations), boring holes for poles to be set in, installing cross arms, insulators and brackets on poles (which may be wood or metal), setting poles or towers into position, installing guy wires if necessary, stringing the lines, incidental tree topping, tying into the low-voltage power source, and making service connections when done by employees of an employer having operations subject to this classification. Towers may be of a solid wall, cylindrical steel construction or of a fabricated steel cross member design reaching a height of about 50 feet, and are secured to a concrete pad or set into the ground. They may be used to elevate the lines over long distances or to support microwave antennae or receivers.

This classification excludes specialty contractors engaged in any single phase of the work described above: Land clearing and grading operations which are to be reported separately in classification 0101; erection of poles or towers which is to be reported separately in classification 0508; drilling holes which is to be reported separately in classification 0103; tree topping which is to be reported separately in classification ((0104)) 0106; service connections which are to be reported separately in classification 0601; underground television line installation which is to be reported separately in classification 0107; and the felling of timber which is to be reported separately in the applicable logging classification.

Special note: If done by a cable television company the work described above is included in classification 1305. A contractor engaged in the installation of overhead electric and/or telephone or telegraph lines in addition to overhead television lines is to be reported in classification 0509-03. If a specialty contractor is only stringing overhead television lines, and not erecting poles or towers, classification 0509-01 is still applicable.

0509-02 Overhead electric transmission lines: New construction or extension of lines - Including poles, or towers; erection, maintenance or repair by contractor

Applies to contractors engaged in the construction, maintenance or repair of overhead electric transmission lines, poles and towers. Work contemplated by this classification includes, but is not limited to, clearing a right of way (excluding logging-type operations), boring holes for poles to be set in, installing cross arms, insulators and brackets on poles (which may be wood or metal), setting poles or towers into position, installing guy wires if necessary, stringing the lines, installing circuit breakers and transformers, incidental tree topping, tying into the high-voltage power source, and making service connections when done by employees of an employer having operations subject to this classification.

Towers may be of a solid wall, cylindrical steel construction or of a fabricated steel cross member design reaching a height of about 50 feet, and are secured to a concrete pad or set into the ground. They may be used to elevate the lines over long distances or to support electric power distribution apparatus.

This classification excludes specialty contractors engaged in any single phase of the work described above: Land clearing and grading operations which are to be reported separately in classification 0101; erection of poles or towers which is to be reported separately in classification 0508; drilling holes which is to be reported separately in classification 0103; tree topping which is to be reported separately in classification ((0101)) 0106; underground electric line installation which is to be reported separately in classification 0107; and the felling of timber which is to be reported separately in the applicable logging classification.

Special note: If done by an electric power company the work described above is included in classification 1301. A contractor engaged in the installation of overhead telephone or telegraph lines and/or television lines in addition to overhead electric lines is to be reported in classification 0509-03. If a specialty contractor is only stringing overhead electric lines, and not erecting poles or towers, classification 0509-02 is still applicable.

0509-03 Overhead transmission lines, N.O.C.: New construction or extension of lines - Including poles or towers; erection, maintenance or repair by contractor

Applies to contractors engaged in the construction, maintenance or repair of more than one type of overhead transmission line, including poles and towers which are not covered by another classification (N.O.C.). If the contractor specializes in either telephone, telegraph, television or electric lines, they can be specifically defined elsewhere within classification 0509. Work contemplated by this classification includes, but is not limited to, clearing a right of way (excluding logging-type operations), boring holes for poles to be set in, installing cross arms, insulators and brackets on poles (which may be wood or metal), setting poles or towers into position, installing guy wires if necessary, stringing the lines, incidental tree topping, installing circuit breakers and transformers, tying into the power source, and making service connections when done by employees of an employer having operations subject to this classification. Towers may be of a solid wall cylindrical steel construction or of a fabricated steel cross member design reaching a height of about 50 feet, and are secured to a concrete pad or set into the ground. They may be used to elevate the lines over long distances or to support microwave antennae, receivers or electric power distribution apparatus.

This classification excludes specialty contractors engaged in any single phase of the work described above: Land clearing and grading operations which are to be reported separately in classification 0101; erection of poles or towers which is to be reported separately in classification 0508; drilling holes which is to be reported separately in classification 0103; tree topping which is to be reported separately in classification ((0101)) 0106; service connections for cable television lines which is to be reported separately in classification 0601; underground line installation which is to be reported separately in classification 0107; and the felling

of timber which is to be reported separately in the applicable logging classification.

Special note: If done by a telephone or telegraph company, the work described above is included in classification 1303; if done by a cable television company it is included in classification 1305; if done by an electric utility company it is included in classification 1301. If a specialty contractor is only stringing a combination of types of overhead lines, and not erecting poles or towers, classification 0509-03 is still applicable.

AMENDATORY SECTION (Amending WSR 14-17-085, filed 8/19/14, effective 9/19/14)

WAC 296-17A-0308 Classification 0308.

0308-00 Chemical spraying and fumigating

Applies to establishments engaged in providing chemical spraying and fumigating services only to established residential landscaping and commercial properties. Work contemplated by this classification includes, but is not limited to, the application of various liquid and granular chemicals (fertilizers, herbicides, pesticides, insecticides, iron, nitrogen, slow release food stakes) for use on grass, plants, shrubs, flowers, trees, moss, ivy or weeds. Employees of establishments subject to this classification arrive at the location site in a tank truck equipped with a premixed solution that is dispensed with a spray hose, or by fertilizer spreaders, injection guns, and back pack dispensers.

This classification excludes chemical spraying of roadway median strips by nonmunicipal employees adjacent to state, city or town roadways which is to be reported separately in classification 0101; chemical spraying done in connection with forest roads or reforestation projects which is to be reported in the applicable forestry classification; pest and termite control which is to be reported separately in classification 6602; chemical spraying and fumigating by employees of cities, counties, state agencies, or other municipalities which is to be reported in the classification applicable to the type of municipality performing the work; chemical spraying of agricultural farms or orchards which *may* be reported separately in classification 4808 or in the agricultural classification applicable to the employer's operation; and crop dusting by aircraft which is to be reported separately in classification 6903.

0308-01 Lawn care maintenance

Applies to contractors engaged in maintenance of established lawns and gardens. Work contemplated by this classification includes, but is not limited to, mowing and thatching lawns, edging, weeding flower beds, raking, rototilling gardens, application of fertilizers, and spraying and trimming of shrubs. Also included is minor landscape renovation and/or restoration activities incidental to, and performed as part of, the lawn care maintenance contract for an existing lawn or landscape such as the removal and replacement of plants, turf repair or reseeding of grass, and the spreading of decorative rock, topsoil, or bark. This classification includes replacement of sprinkler heads and cleaning of lawn type sprinkler systems only when performed in connection with and incidental to the lawn care maintenance contract. Contractors

who provide snow blowing and snow removal services using hand-held or push-propelled equipment are included in this classification. Equipment used by contractors subject to this classification includes, but is not limited to, riding or power lawn mowers, power sweepers, edgers, thatchers, weed eaters, grass blowers, fertilizer spreaders, sprayers, gas or electric power tools, and hand tools.

This classification excludes new landscape construction which is to be reported separately in classification 0301; tree care and pruning services which are to be reported separately in classification ~~((0101))~~ 0106; grading, clearing, or contouring of land which is to be reported separately in classification 0101; installation, service or repair of lawn type sprinkler systems which is to be reported separately in classification 0301; the installation, service or repair of above or below ground agricultural irrigation systems which is to be reported separately in classification 0301; the installation or on-site maintenance of roofing materials composed of impermeable barriers, sod, soil, and plants, sometimes termed landscape roofing, living roofing, garden roofing, green/environmentally beneficial roofing, brown/biodiverse roofing, or vegetative roofing, which is to be reported in classification 0507; any installation or maintenance of a landscape roofing irrigation system, which is reported in classification 0507.

Special notes: Classifications 0308 and 0301 may be assigned to the same business provided that the conditions of the general reporting rule covering the operation of a secondary business have been met.

Care should be exercised in the assignment of this classification when tree services are included. Tree care service contracts generally call for the radical topping, pruning or cutting of tree limbs to remove or eliminate a hazard to buildings, property, or power lines. Tree trimming as part of this classification is only for the purpose of shaping and maintaining healthy trees and to control size for the visual relationship to other landscape material.

WSR 14-19-086
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed September 16, 2014, 9:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-15-112.

Title of Rule and Other Identifying Information: WAC 296-21-290 Physical medicine and 296-23-220 Physical therapy rules.

Hearing Location(s): Department of Labor and Industries, Room S119, 7273 Linderson Way S.W., Tumwater, WA 98501, on October 23, 2014, at 1:00 p.m.

Date of Intended Adoption: November 18, 2014.

Submit Written Comments to: Tom Davis, Department of Labor and Industries, Health Services Analysis, P.O. Box 44322, Olympia, WA 98504-4322, e-mail Thomas.Davis@Lni.wa.gov, fax (360) 902-4249, by 5 p.m. on October 29, 2014.

Assistance for Persons with Disabilities: Contact office of information and assistance by October 16, 2014, TTY (360) 902-5797 or (360) 902-6687.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Previously, athletic trainers' (AT) scope of practice was limited to care provided to athletes. In 2014, the legislature passed a new law (HB 2430) expanding AT scope of practice to include treatment of injured workers. In April 2014, the AT organization requested that L&I update its reimbursement rules, consistent with their expanded scope of practice, to allow reimbursement for AT services to injured workers. The anticipated effect of the rule change would be to expand the pool of licensed and qualified providers who could (within their scope of practice) provide treatment to injured workers.

Reasons Supporting Proposal: The proposal would increase the number of licensed and qualified providers who could (within their scope of practice) provide treatment to injured workers.

Statutory Authority for Adoption: RCW 51.04.030(1) and 18.250.010 (4)(a)(v).

Statute Being Implemented: RCW 18.250.010 (4)(a)(v).

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: More qualified and licensed providers will be able to treat (within their scope of practice) injured workers. Quality of care for injured workers will also not be affected by this proposed rule change. Also there will be no additional cost to the medical aid fund.

Name of Proponent: Department of labor and industries, governmental.

Name of Agency Personnel Responsible for Drafting: Tom Davis, Tumwater, Washington, (360) 902-6687; Implementation and Enforcement: Vickie Kennedy, Assistant Director, Tumwater, Washington, (360) 902-4997.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule adoption will have no economic impact on providers. It is changing who may perform services under the rules but will not result in either increased or decreased payments to providers of physical medicine services.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply because the content of this rule is explicitly dictated by statute and fits within the exceptions listed in RCW 34.05.328 (5)(b)(v).

September 16, 2014

Joel Sacks
Director

AMENDATORY SECTION (Amending WSR 00-09-078, filed 4/18/00, effective 7/1/00)

WAC 296-21-290 Physical medicine. (1) Whom does the department authorize and pay for physical medicine or physical therapy services? The department or self-insurer may authorize and pay for physical medicine services from the following providers:

- A medical or osteopathic physician who is "board certified or board qualified" in the field of physical medicine and rehabilitation; or
- A licensed physical therapist; or
- The injured worker's attending doctor, within the limitations listed below.

The physical medicine services must be personally performed by the:

- Physical medicine and rehabilitation physician; or
- Attending doctor; or
- Licensed physical therapist; or
- Physical therapist assistant employed by and serving under the direction of a registered physical therapist, physical medicine and rehabilitation physician, or attending doctor; or
- Licensed athletic trainer employed by and serving under the direction of a licensed physical therapist, physical medicine and rehabilitation physician, or attending doctor.

Note: Licensed physical therapy provider rules are contained in chapter 296-23 WAC.

(2) When may the department or self-insurer pay the attending doctor for physical medicine services? The department or self-insurer may pay the attending doctor to provide physical medicine modalities and/or procedures in the following situations:

(a) The attending doctor's scope of practice includes physical medicine modalities and procedures.

(b) Only the physical medicine modalities and procedures allowed under the department's fee schedules and payment policies will be authorized or paid.

(c) No more than six physical medicine visits may be authorized and paid to the attending doctor. If the worker requires treatment beyond six visits, the worker must be referred to a licensed physical therapist or a board certified or qualified physical medicine and rehabilitation physician for such treatment. Payments will be made in accordance with the department's fee schedules and payment policies.

(d) In remote areas, where no physical medicine and rehabilitation specialist, licensed physical therapist or physical therapist assistant is available, physical medicine visits required by the patient's accepted condition(s) may be authorized and paid to the attending doctor. Payments will be made in accordance with the department's fee schedules and payment policies.

(e) The attending doctor may bill for office visits in addition to the physical medicine services only when a separately identifiable office visit service is provided in addition to the physical medicine service.

(3) What codes and fees are payable for physical medicine services?

- The codes, reimbursement levels, and other policies for physical medicine services are listed in the department's *Medical Aid Rules and Fee Schedules*. Physicians licensed in physical medicine and licensed physical therapists use CPT and/or HCPCS codes, rules and payment policies as listed in the department's *Medical Aid Rules and Fee Schedules* or provider bulletins.

- Attending doctors must use the local codes, rules and payment policies published in the department's *Medical Aid Rules and Fee Schedules* or provider bulletins.

AMENDATORY SECTION (Amending WSR 14-09-094, filed 4/22/14, effective 7/1/14)

WAC 296-23-220 Physical therapy rules. Practitioners should refer to WAC 296-20-010 through 296-20-125 for general information and rules pertaining to the care of workers.

Refer to WAC 296-20-132 and 296-20-135 regarding the use of conversion factors.

All supplies and materials must be billed using HCPCS Level II codes. Refer to chapter 296-21 WAC for additional information. HCPCS codes are listed in the fee schedules.

Refer to chapter 296-20 WAC (WAC 296-20-125) and to the department's billing instructions for additional information.

Physical therapy treatment will be reimbursed only when ordered by the worker's attending doctor and rendered by a licensed physical therapist ((~~or~~)), a physical therapist assistant serving under the direction of a licensed physical therapist, or a licensed athletic trainer serving under the direction of a licensed physical therapist. In addition, physician assistants may order physical therapy under these rules for the attending doctor. Doctors rendering physical therapy should refer to WAC 296-21-290.

The department or self-insurer will review the quality and medical necessity of physical therapy services provided to workers. Practitioners should refer to WAC 296-20-01002 for the department's rules regarding medical necessity and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department or self-insurer will pay for a maximum of one physical therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or \$122.00 whichever is less. These limits will not apply to physical therapy that is rendered as part of a physical capacities evaluation, work hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department will publish specific billing instructions, utilization review guidelines, and reporting requirements for physical therapists who render care to workers.

Use of diapulse or similar machines on workers is not authorized. See WAC 296-20-03002 for further information.

A physical therapy progress report must be submitted to the attending doctor and the department or the self-insurer following twelve treatment visits or one month, whichever occurs first. Physical therapy treatment beyond initial twelve treatments will be authorized only upon substantiation of improvement in the worker's condition. An outline of the proposed treatment program, the expected restoration goals, and the expected length of treatment will be required.

Physical therapy services rendered in the home and/or places other than the practitioner's usual and customary office, clinic, or business facilities will be allowed only upon prior authorization by the department or self-insurer.

No inpatient physical therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-030 for further information.

The department may discount maximum fees for treatment performed on a group basis in cases where the treatment provided consists of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).

Biofeedback treatment may be rendered on doctor's orders only. The extent of biofeedback treatment is limited to those procedures allowed within the scope of practice of a licensed physical therapist. See chapter 296-21 WAC for rules pertaining to conditions authorized and report requirements.

Billing codes and reimbursement levels are listed in the fee schedules.

September 16, 2014

Trent Lutey
University Policy Administrator

WSR 14-19-090
PROPOSED RULES
EASTERN WASHINGTON UNIVERSITY

[Filed September 16, 2014, 9:18 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-15-101.

Title of Rule and Other Identifying Information: Revising WAC 172-122-120 Firearms/weapons, of chapter 172-122 WAC, General conduct code, relating to the possession of weapons on property owned or controlled by Eastern Washington University.

Hearing Location(s): Eastern Washington University, Main Campus, Showalter Hall, Room 201, Cheney, Washington 99004, on November 5, 2014, at 11:00 a.m.

Date of Intended Adoption: November 21, 2014.

Submit Written Comments to: University Policy Administrator, 214 Showalter Hall, Cheney, WA 99004, e-mail tlutey@ewu.edu, fax (509) 359-7036, by November 4, 2014.

Assistance for Persons with Disabilities: Contact Trent Lutey by November 4, 2014, (509) 359-6322.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These revisions are needed to update university standards and processes to better reflect current practices regarding the possession, use, and storage of weapons on university owned or controlled property. These changes are also needed to permit the possession of personal protection spray devices as required by RCW 9.91.160.

Statutory Authority for Adoption: RCW 28B.35.120 (12).

Statute Being Implemented: Not applicable.

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

Name of Agency Personnel Responsible for Drafting: Trent Lutey, 214 Showalter, Cheney, WA 99004, (509) 359-6322; Implementation and Enforcement: Laurie Connelly, 214 Showalter, Cheney, WA 99004, (509) 359-2371.

No small business economic impact statement has been prepared under chapter 19.85 RCW. WAC revision does not impose a disproportionate impact on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. Chapter 172-121 [172-122] WAC is not considered a significant legislative rule by Eastern Washington University.

AMENDATORY SECTION (Amending WSR 92-22-001, filed 10/21/92, effective 11/21/92)

WAC 172-122-120 Weapons ((Firearms/weapons)). Violations of ~~((the subsections of))~~ this section are subject to appropriate disciplinary or legal action.

(1) Possession, carrying, ~~((or))~~ discharge or other use of any weapon ((explosive, firearm, chemical weapon (or dangerous chemical) or other weapon; including shotguns, pistols, air guns, pellet guns, and paint ball guns, whether loaded or unloaded;)) is prohibited on property owned or controlled by Eastern Washington University, except as permitted in subsections (2) through (5) of this section. Examples of weapons under this section include, but are not limited to: explosives, chemical weapons, shotguns, rifles, pistols, air guns, BB guns, pellet guns, longbows, hunting bows, throwing weapons, stun guns, electroshock weapons, and any item that can be used as an object of intimidation and/or threat, such as replica or look-a-like weapons.

(2) Commissioned law enforcement officers may carry weapons, which have been issued by their respective law enforcement agencies, while on campus or other university controlled property, including residence halls. Law enforcement officers must notify the university police of their presence on campus upon arrival. ((Only people who are authorized to carry firearms or other weapons as duly appointed and commissioned law enforcement officers in the state of Washington, or commissioned by agencies of the United States government, shall possess firearms or other weapons issued for their possession by their respective law enforcement agencies while on campus or other university controlled property, including residence halls. A law enforcement agent must notify the university police of his or her presence on campus on arrival.))

(3) A person may possess a personal protection spray device, as authorized by RCW 9.91.160, while on property owned or controlled by Eastern Washington University. ((Other than the people referenced in subsection (2) of this section, members of the campus community and visitors who bring firearms or other weapons to campus must immediately place the firearms or weapons in the university provided storage facility, located at the red barn. The storage facility is controlled by the university police office and is accessible twenty-four hours per day throughout the year.))

(4) A person may ~~((Anyone seeking to))~~ bring a ~~((firearm or other))~~ weapon onto campus for display or demonstration purposes directly related to a class or other educational activity - provided that they ((must)) obtain prior authorization from the university police department. The university police department shall review any such request and may establish conditions to the authorization.

(5) Weapons that are ((Firearms)) owned by the institution for use in organized recreational activities or by special ((interest)) groups, such as EWU ROTC or university-sponsored ((gun clubs, ROTC, or intercollegiate shooting)) clubs or teams, must be stored in a location approved by the univer-

sity police department. These weapons (~~(firearms)~~) must be checked out by the (~~(club)~~) advisor or coach and are to be used only in organized recreational activities or by legitimate members of the club or team in the normal course of the club or team's related activity.

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 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 14-19-092
PROPOSED RULES
DEPARTMENT OF REVENUE

[Filed September 16, 2014, 10:17 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-15-146.

Title of Rule and Other Identifying Information: WAC 458-20-241 Radio and television broadcasting.

Hearing Location(s): Capital Plaza Building, 4th Floor, Large Executive Conference Room, 1025 Union Avenue S.E., Olympia, WA, on October 23, 2014, at 10:30 a.m. *Call-in option can be provided upon request no later than three days before the hearing date.* Copies of draft rules are available for viewing and printing on our web site at Rules Agenda.

Date of Intended Adoption: October 30, 2014.

Submit Written Comments to: Richard Cason, Department of Revenue, P.O. Box 47453, Olympia, WA 98504-7453, e-mail RichardC@dor.wa.gov, by October 23, 2014.

Assistance for Persons with Disabilities: Contact Mary Carol LaPalm, (360) 725-7499 or Renee Cosare, (360) 725-7514, no later than ten days before the hearing date. For hearing impaired please contact us via the Washington relay operator at (800) 833-6384.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 458-20-241 (Rule 241) explains the B&O, retail sales, and use tax reporting responsibilities of radio and television broadcasters. This includes a B&O tax deduction provided for certain radio and television broadcasting advertising revenues provided in RCW 82.04.280. The statute authorizes a deduction based on either: (1) A standard deduction based on information reported by the Federal Communications Commission (FCC); or (2) itemization by the individual broadcasting station. Rule 241 currently recognizes that the FCC no longer publishes the information, and explains that the department will authorize a standard deduction if the broadcasting industry provides such information to the department for verification. The joint legislative audit and review committee (JLARC), reviewed this deduction and recommended that the rule comply with the statute as written.

Reasons Supporting Proposal: To conform the rule to be consistent with the statute and the JLARC recommendation.

Statutory Authority for Adoption: RCW 82.32.300.

Statute Being Implemented: RCW 82.04.280.

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

Name of Proponent: Department of revenue, governmental.

Name of Agency Personnel Responsible for Drafting: Richard Cason, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 534-1577; Implementation: Dylan Waits, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 534-1583; and Enforcement: Alan Lynn, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 534-1599.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule does not impose any new performance requirements or administrative burden on any small business not required by statute.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rule is not a significant legislative rule as defined by RCW 34.05.328.

September 16, 2014

Dylan Waits

Rules Coordinator

AMENDATORY SECTION (Amending WSR 83-08-026, filed 3/30/83)

WAC 458-20-241 Radio and television broadcasting.

(1) Introduction.

(a) This section provides tax reporting instructions for persons in the radio and television broadcasting industry. It explains the application of business and occupation (B&O) tax, retail sales tax, and use tax to the industry and provides an explanation of the various deductions available.

(b) For a discussion of the tax liabilities of subscriber television services, see WAC 458-20-227.

(c) For a discussion of the taxability of digital products, see WAC 458-20-15503.

(2) Definitions. For the purpose of this rule:

(a) "Broadcast" or "broadcasting" includes both radio and television commercial broadcasting stations unless it clearly appears from the context to refer only to radio or television.

(b) "Local advertising" means all broadcast advertising other than national, network, or regional advertising as herein defined.

(c) "National advertising" means broadcast advertising paid for by sponsors which supply goods or services on a national or international basis.

(d) "Network advertising" means broadcast advertising originated by national or regional broadcast networks from outside the state of Washington, the broadcast advertising being supplied by national or regional network broadcasting companies.

(e) "Regional advertising" means broadcast advertising paid for by sponsors which supply goods or services on a regional basis over two or more states.

(3) Business and occupation tax.

(a) Radio and television broadcasting. Taxable on gross income from the sale of radio or television advertising (~~and any other gross income from broadcasting, exclud-~~

ing sales to other broadcasters of the right to broadcast material on processed film, sound recorded magnetic tape, and other transcriptions (see service and other activities)).

(b) Service and other activities. Taxable on gross income from personal or professional services, including gross income from producing and making custom commercials or special programs, fees for providing writers, directors, artists, and technicians, and granting a license to use facilities (as distinct from the leasing or renting of tangible personal property, see WAC 458-20-211).

(c) Royalties. Taxable on charges to other broadcasters for granting the right to use intangible property (e.g., the right to use broadcast material).

(d) Retailing or wholesaling. Taxable on gross proceeds of sales of tangible personal property, including gross proceeds from sales of films and tape produced for general distribution and from sales of copies of commercials, programs, films, etc., even though the original was not subject to retail sales tax. The sale of custom-made programs, commercials, films, etc., is not taxable under this classification. (See sub-heading **Service and other activities** in (b) of this subsection.)

(e) Manufacturing. Taxable on the cost to produce special programs, such as public affairs, religious, travelogues, and other general programming, which are distributed via tangible media to other broadcasters under a lease or contract granting a mere license to use. (For a discussion of the taxability of digital products transferred electronically, see WAC 458-20-15503.) This tax does not apply to a recording made for the broadcaster's own use, including news, delayed programs, commercials and promotions, special and syndicated programming, and "entire day" programming.

(4) Deductions from gross income from advertising ((+ (1))).

(a) Agency fees. It is a general trade practice in the broadcasting industry to make allowances to advertising agencies in the form of the deduction or exclusion of a certain percentage of the gross charge made for advertising ordered by the agency for the advertiser. This allowance ((will be)) is deductible as a discount in the computation of the broadcaster's tax liability in the event that the allowance is shown as a discount or price reduction in the billing or that the billing is on a net basis, i.e., less the discount.

~~((2))~~ **(b) Gross receipts from national, network, and regional advertising.** The taxpayer may deduct ((either)) actual gross receipts from national, network, and regional advertising ((as herein defined)), as included in the gross amount reported under radio and television broadcasting ((or may take a)).

The "standard deduction" for gross receipts from national, network, and regional advertising as provided by RCW 82.04.280, ((as amended by chapter 149, Laws of 1967 ex. sess., which will be a percentage arrived at annually for all broadcast stations in the state of Washington which use the standard deduction method. This percentage will be determined by dividing the total broadcast advertising receipts in the nation from network, national, and regional advertising by the total broadcast advertising receipts in the nation.

This standard deduction will be based on the most current figures published at the beginning of the calendar year

and shall be used throughout that calendar year notwithstanding the publishing of the following year's figures within that calendar year. Previously the Federal Communications Commission published the figures used to compute the standard deduction. The Federal Communications Commission no longer publishes these figures and henceforth it will be the responsibility of the industry to annually provide these figures to the department of revenue. The figures used will be subject to verification by the department.

Example of computation:

The standard deduction for persons engaged in radio and television broadcasting was 64% for the calendar year 1970. The deduction was computed as follows:

1. Total radio advertising receipts 1968	\$1,076,300,000
2. Total television advertising receipts 1968	2,087,600,000
3. Total broadcast advertising receipts	3,163,900,000
4. Total national, network, regional advertising receipts, radio, 1968	379,200,000
5. Total national, network, regional advertising receipts, television, 1968	1,635,100,000
6. Total broadcast advertising receipts from national, network, and regional advertising	2,014,300,000
7. Standard deduction for 1970 will be the quotient of line 6 divided by line 3 or	64%

~~(3) Interstate business, allocation.~~ It is recognized that radio and television broadcasting is an interstate business and that under the Constitution of the United States a tax is prohibited upon so much of the revenue of a radio or television broadcasting station as is derived from the service of broadcasting to persons in other states or foreign countries. Accordingly,)) represents a percentage based on the national average thereof as annually reported by the Federal Communications Commission. The Federal Communications Commission no longer publishes these figures and henceforth the "standard deduction" is not available. Broadcasters may only deduct gross receipts from national, network, and regional advertising on an actual basis.

(c) Allocation of local advertising revenues. Revenues from local advertising ((shall)) may be allocated to remove from the tax base the gross income from advertising which is intended to reach potential customers of the advertiser who are located outside the state of Washington.

It will be presumed that the entire gross income of radio and television stations located within the state of Washington from local advertising ((as herein defined)) is subject to tax unless and until the taxpayer submits proof to the department of revenue that some portion of such income is exempt

according to the principles set forth herein and until a specific allocation formula has been approved by the department.

(d) Method of allocation. When the total daytime listening area of a radio or television station extends beyond the boundaries of the state of Washington, the allowable deduction is that portion of revenue represented by the out-of-state audience computed as a ratio to the station's total audience as measured by the 100 microvolt signal strength and delivery by wire, if any. The out-of-state audience may therefore be determined by delivery "over the air" and by community antenna television systems. However, community antenna television audiences may not be claimed by a station in the same area in which it claims an audience served over the air, thus eliminating a claim for double exemption.

The most current United States and Canadian census figures ~~((with))~~ must be used to determine the in-state and out-of-state audience.

An engineer holding at least a first class operator's license from the Federal Communications Commission must compute the 100 microvolt contour for the station claiming the exemption. The 100 microvolt contour will be applicable to all broadcasting stations, whether standard (AM), frequency modulation (FM), or television (TV), and the applicable contour will be the daytime ground-wave contour. The computation must be submitted to the department of revenue in map form, showing the scale used in miles, with the contour drawn on the map and the counties or cities within the contour indicated. The map must be certified as being correct by the personal signature of the engineer making the computation. The type of license held by the engineer should be indicated. The map must have attached to it the population covered both within and without the state according to the applicable United States and Canadian census.

In the event that ~~((able))~~ community antenna television subscribers are claimed as part of the out-of-state audience, the name of the systems, the location, and the number of subscribers must also be attached to the map. The number of subscribers will be multiplied by a factor of 3, representing the average size household family.

The foregoing exhibits must be ~~((forwarded to the Department of Revenue, Olympia, Washington 98504, and must be))~~ approved by the department before any deduction is allowable.

~~((Service and other activities. Taxable on gross income from personal or professional services, including gross income from producing and making custom commercials or special programs, fees for providing writers, directors, artists and technicians, charges for the granting of a license to use facilities (as distinct from the leasing or renting of tangible personal property, see WAC 458 20 211), and charges to other broadcasters for the mere right to broadcast material on processed film, sound recorded magnetic tape, and other transcriptions when the material is returned to the original broadcaster.~~

Retailing or wholesaling. Taxable on gross proceeds of sales of tangible personal property, including gross proceeds from sales of films and tape produced for general distribution and from sales of copies of commercials, programs, films, etc., even though the original was not subjected to sales tax. The sale of custom-made programs, commercials, films, etc.,

is not taxable under this classification. ~~(See subheading **Service and other activities** above.)~~

Manufacturing. Taxable on the cost to produce special programs, such as public affairs, religious, travelogues, and other general programming, which are vended to other broadcasters under a lease or contract granting a mere license to use. This tax does not apply to a recording made for the broadcaster's own use, including news, delayed programs, commercials and promotions, special and syndicated programming, and "entire day" programming.)

(5) Retail sales tax. Sales to broadcasters of equipment, supplies and materials for the broadcaster's own use and not for resale are subject to the retail sales tax. This includes sales of raw or unprocessed film ~~((or)),~~ magnetic tape, DVDs, and other transcription material ~~((as well as processed film, recorded magnetic tape or other transcriptions unless vended under a lease or contract granting a mere license to use)).~~

If the tapes, films, etc., upon which the sales tax has been paid are later sold by the broadcaster in the regular course of business, the provisions of WAC 458-20-102 concerning purchases for dual purposes will apply.

~~((Sales to broadcasters of the right to broadcast the material on processed film, sound recorded magnetic tape, and other transcriptions under a right or license granted by lease or contract are not retail sales and the retail sales tax is not applicable.))~~

The broadcaster must collect retail sales tax on sales to consumers of packaged films, programs, etc., produced for general distribution, including training and industrial films, and also on sales of copies of films, commercials, programs, etc., even though the original was not subjected to retail sales tax.

(6) Use tax. Acquisition or exercise of the right to broadcast ~~((processed film, recorded magnetic tape or other transcriptions))~~ material under a right or license granted by lease or contract is not the use of tangible ~~((personable))~~ personal property by the broadcaster and the use tax is not applicable.

Broadcasters of radio and television programs are subject to use tax on the value of articles manufactured or produced by them for their own use (excluding custom produced commercials or special programs which includes, but is not necessarily limited to, recordings of news, delayed programs, commercials and promotions, special and syndicated programming, and "entire day" programming) and on the use of tangible personal property purchased or acquired under conditions whereby the retail sales tax has not been paid. The broadcaster is liable for use tax on the value (cost of production) of ~~((processed film, sound recorded magnetic tape, and other transcriptions))~~ programming when the broadcaster ~~((vends))~~ sells merely the right to broadcast such material under a right or license granted by lease or contract.

~~((Effective September 1, 1982.))~~

WSR 14-19-093

PROPOSED RULES

EASTERN WASHINGTON UNIVERSITY

[Filed September 16, 2014, 10:40 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-15-099.

Title of Rule and Other Identifying Information: Revising WAC 172-121-200 Violations, of chapter 172-121 WAC, Student conduct code, relating to the possession of weapons on property owned or controlled by Eastern Washington University.

Hearing Location(s): Eastern Washington University, Main Campus, Showalter Hall, Room 201, Cheney, Washington 99004, on November 5, 2014, at 11:00 a.m.

Date of Intended Adoption: November 21, 2014.

Submit Written Comments to: University Policy Administrator, 214 Showalter Hall, Cheney, WA 99004, e-mail tlutey@ewu.edu, fax (509) 359-7036, by November 4, 2014.

Assistance for Persons with Disabilities: Contact Trent Lutey by November 4, 2014, (509) 359-6322.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These revisions are needed to update university standards and processes to better reflect current practices regarding the possession, use, and storage of weapons on university owned or controlled property. These changes are also needed to permit the possession of personal protection spray devices as required by RCW 9.91.160.

Statutory Authority for Adoption: RCW 28B.35.120 (12).

Statute Being Implemented: Not applicable.

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

Name of Agency Personnel Responsible for Drafting: Trent Lutey, 214 Showalter, Cheney, WA 99004, (509) 359-6322; Implementation and Enforcement: Laurie Connelly, 214 Showalter, Cheney, WA 99004, (509) 359-2371.

No small business economic impact statement has been prepared under chapter 19.85 RCW. WAC revision does not impose a disproportionate impact on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. Chapter 172-121 WAC is not considered a significant legislative rule by Eastern Washington University.

September 16, 2014

Trent Lutey
University Policy Administrator

AMENDATORY SECTION (Amending WSR 13-24-123, filed 12/4/13, effective 1/4/14)

WAC 172-121-200 Violations. The following are defined as offenses which are subject to disciplinary action by the university.

(1) Acts of academic dishonesty. University policy regarding academic dishonesty is governed by the university academic integrity policy. However, repeated violations, as described in the academic integrity policy, are subject to action under the student conduct code. Academic dishonesty includes, but is not limited to, any of the following activities:

- (a) Plagiarism: Representing the work of another as one's own work;
- (b) Preparing work for another that is to be used as that person's own work;
- (c) Cheating by any method or means;

(d) Knowingly and willfully falsifying or manufacturing scientific or educational data and representing the same to be the result of scientific or scholarly experiment or research;

(e) Knowingly furnishing false information to a university official relative to academic matters.

(2) Acts of social misconduct.

(a) Abuse. Physical abuse, verbal abuse, and/or other conduct which threatens or endangers the health or safety of any person.

(b) Bullying. Bullying is behavior that is:

(i) Intentional;

(ii) Targeted at an individual or group;

(iii) Repeated;

(iv) Objectively hostile or offensive; and

(v) Creates an intimidating and/or threatening environment which produces a risk of psychological and/or physical harm.

(c) Domestic violence and dating violence.

(i) Domestic violence means:

(A) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members;

(B) Sexual assault of one family or household member by another; or

(C) Stalking of one family or household member by another family or household member.

(ii) Dating violence is a type of domestic violence, except the acts specified above are committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. In determining whether such a relationship exists, the following factors are considered:

(A) The length of time the relationship has existed;

(B) The nature of the relationship; and

(C) The frequency of interaction between the parties involved in the relationship.

(d) Harassment, gender-based harassment, and sexual harassment.

(i) Harassment is conduct by any means that is sufficiently severe, pervasive, or persistent, and objectively offensive so as to threaten an individual or limit the individual's ability to work, study, participate in, or benefit from the university's programs or activities.

(ii) Gender-based harassment includes nonsexual acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on a person's gender or nonconformity with gender stereotypes. Gender-based harassment violates this code and Title IX when it is sufficiently severe, pervasive, or persistent such that it denies or limits another's ability to work, study, participate in, or benefit from the university's programs or activities.

(iii) Sexual harassment is unwelcome conduct of a sexual nature and may include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment violates this code and Title IX when it is sufficiently severe, pervasive, or persistent such that it denies or limits another's ability to work, study, participate in, or benefit from the university's programs or activities.

In determining whether any of the above-listed types of harassment are severe, pervasive, or persistent, the university

shall consider all relevant circumstances from both an objective and subjective perspective, including the type of harassment (verbal or physical); the frequency and severity of the conduct; the age, sex, and relationship of the individuals involved; the degree to which the conduct affected the victim; the setting and context in which the harassment occurred; whether other incidents have occurred at the university; and other relevant factors.

(e) Retaliation. Any actual or threatened retaliation or any act of intimidation intended to prevent or otherwise obstruct the reporting of a violation of this code is prohibited and is a separate violation of this code. Any actual or threatened retaliation or act of intimidation directed towards a person who participates in an investigation or disciplinary process under this code is prohibited and is a separate violation of this code.

(f) Sexual misconduct. Sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion, are types of sexual misconduct. Sexual violence is sexual intercourse or sexual contact with a person without his or her consent or when the person is incapable of giving consent. Consent means actual words or conduct indicating freely given agreement to the sexual act. Consent cannot be inferred from silence, passivity, or lack of active resistance. There is no consent where there is a threat of force or violence or any other form of coercion or intimidation, physical or psychological. Sexual activity is nonconsensual when the victim is incapable of consent by reason of mental incapacity, drug/alcohol use, illness, unconsciousness, or physical condition. Sexual misconduct also includes, but is not limited to, indecent liberties, indecent exposure, sexual exhibitionism, sex-based cyber-harassment, prostitution or the solicitation of a prostitute, peeping or other voyeurism, or going beyond the boundaries of consent, such as by allowing others to view consensual sex or the nonconsensual recording of sexual activity.

(g) Stalking. Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

(i) Fear for their health and/or safety or the health/safety of others; or

(ii) Suffer substantial emotional distress.

(h) Unauthorized use of electronic or other devices: Making an audio or video recording of any person while on university premises without the person's prior knowledge or without their effective consent, when such a recording is of a private conversation or of images taken of a person(s) at a time and place where the person would reasonably expect privacy and where such recordings are likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom, but does not include taking pictures of persons in areas which are considered by the reasonable person to be open to public view.

(3) Property violations. Theft of, damage to, or misuse of another person's or entity's property.

(4) Weapons. Possession, carrying, discharge or other use of any weapon is prohibited on property owned or controlled by Eastern Washington University, except as permitted in subsections (a) through (d) of this section. (~~No indi-~~

~~vidual shall have on their person, in their vehicle or otherwise in their possession any weapon, explosive, dangerous chemical or other dangerous instrument except as described in (a) through (e) of this subsection.~~) Examples of weapons under this section include, but are not limited to: explosives, chemical weapons, shotguns (~~Shotguns~~), rifles, pistols, air guns, BB guns, pellet guns, longbows, hunting bows, throwing weapons, stun guns, electroshock weapons, and any item that can be used as an object of intimidation and/or threat, such as replica or look-a-like weapons.

(a) Commissioned law enforcement officers may carry weapons, which have been issued by their respective law enforcement agencies, while on campus or other university controlled property, including residence halls. Law enforcement officers must notify the university police of their presence on campus upon arrival. (~~Authorized law enforcement officers are permitted to carry arms while on duty and engaged in their regular duties;~~)

(b) A person may possess a personal protection spray device, as authorized by RCW 9.91.160, while on property owned or controlled by Eastern Washington University. (~~Activities requiring use of the prohibited items may be conducted on approval of the activity by the board of trustees;~~)

(c) A person may bring a weapon onto campus for display or demonstration purposes directly related to a class or other educational activity - provided that they obtain prior authorization from the university police department. The university police department shall review any such request and may establish conditions to the authorization. (~~Persons are permitted to have firearms in their possession directly en route to or from campus firearm storage facilities where such possession is incidental to approved on or off campus possession or use of such firearms;~~)

(d) Weapons that are owned by the institution for use in organized recreational activities or by special groups, such as EWU ROTC or university-sponsored clubs or teams, must be stored in a location approved by the university police department. These weapons must be checked out by the advisor or coach and are to be used only in organized recreational activities or by legitimate members of the club or team in the normal course of the club or team's related activity.

(5) Failure to comply.

(a) Failure to comply with lawful and/or reasonable directions of university officials or law enforcement officers acting in performance of their duties on campus or affecting conduct on campus;

(b) Failure to identify oneself to university officials in their course of duty, refusal or failure to appear before university officials or disciplinary bodies when directed to do so;

(c) Failure to attend any medical treatment or evaluation program when directed to do so by the dean of students or other authorized university official.

(6) Trespassing/unauthorized use of keys.

(a) Trespass. Entering or remaining on university property without authorization.

(b) Unauthorized use of keys. Unauthorized possession, duplication, or use of university keys or access cards.

(7) Deception, forgery, fraud, unauthorized representation.

(a) Knowingly furnishing false information to the university.

(b) Forgery, alteration, or misuse of university documents, records, or instruments of identification. This includes situations of identity theft where a person knowingly uses or transfers another person's identification for any purpose.

(c) Forgery or issuing a bad check with intent to defraud.

(d) Unauthorized representation. The unauthorized use of the name of the university or the names of members or organizations in the university community.

(8) Safety.

(a) Intentionally activating a false fire alarm.

(b) Making a bomb threat.

(c) Tampering with fire extinguishers, alarms, or safety equipment.

(d) Tampering with elevator controls and/or equipment.

(e) Failure to evacuate during a fire, fire drill, or false alarm.

(9) Alcohol, drugs, and controlled substances.

(a) Alcohol and substance violations. Use, possession, distribution, or sale of alcoholic beverages (except as permitted by university policy and state law) is prohibited. Under no circumstances may individuals under the age of twenty-one use, possess, distribute, manufacture or sell alcoholic beverages. Public intoxication is prohibited.

(b) Drugs and paraphernalia.

(i) Use, possession, distribution, manufacture, or sale of marijuana, drug paraphernalia and/or illegal drugs, narcotics or controlled substances, is prohibited.

(ii) Being under the influence of marijuana or an illegal substance, while on property owned or operated by the university, is prohibited. Being under the influence of a controlled substance, except when legally prescribed by a licensed medical practitioner, is also prohibited while on property owned or operated by the university.

(10) Hazing. Any act which, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization:

(a) Endangers the mental or physical health or safety of any student or other person;

(b) Destroys or removes public or private property; or

(c) Compels an individual to participate in any activity which is illegal or contrary to university rules, regulations or policies.

The express or implied consent of any participant is not a defense. A person who is apathetic or acquiesces in the presence of hazing violates this rule.

(11) Disruptive conduct/obstruction.

(a) Disruptive conduct. Conduct which unreasonably interferes with any person's ability to work or study, or obstructs university operations or campus activities.

(b) Disorderly conduct. Conduct that is disorderly, lewd, indecent or a breach of peace.

(c) Obstruction. Obstruction of the free flow of pedestrian or vehicular traffic on university premises or at university-sponsored or university-supervised events.

(d) Demonstration. Participation in a campus demonstration which violates university regulations.

(12) Violations of other laws, regulations and policies.

(a) Violation of a local, county, state, or federal law.

(b) Violation of other university policies, regulations, or handbook provisions.

(13) Assisting/attempts. Soliciting, aiding, abetting, concealing, or attempting conduct in violation of this code.

(14) Acts against the administration of this code.

(a) Initiation of a complaint or charge knowing that the charge was false or with reckless disregard of its truth.

(b) Interference with or attempt to interfere with the enforcement of this code, including but not limited to, intimidation or bribery of hearing participants, acceptance of bribes, dishonesty, or disruption of proceedings and hearings held under this code.

(c) Knowing violation of the terms of any disciplinary sanction or attached conditions imposed in accordance with this code.

(15) Other responsibilities:

(a) Guests. A student, student group 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 recognized university organization.

(b) Students studying abroad. Students who participate in any university sponsored or sanctioned foreign country study program shall observe the following rules and regulations:

(i) The laws of the host country;

(ii) The academic and disciplinary regulations of the educational institution or residential housing program where the student is studying;

(iii) Any other agreements related to the student's study program in the foreign country; and

(iv) The student conduct code.

(16) Student organization and/or group offenses. Clubs, organizations, societies or similarly organized groups in or recognized by the university and/or ASEWU are subject to the same standards as are individuals in the university community. The commission of any of the offenses in this section by such groups or the knowing failure of any organized group to exercise preventive measures relative to violations of the code by their members shall constitute a group offense.

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 14-19-094

PROPOSED RULES

EASTERN WASHINGTON UNIVERSITY

[Filed September 16, 2014, 10:40 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-15-098.

Title of Rule and Other Identifying Information: Revising chapter 172-108 WAC, Procedural rules for brief adjudicative proceedings, to update rules and associated procedures related to the matters subject to, and the process for conducting adjudicative proceedings at Eastern Washington University.

Hearing Location(s): Eastern Washington University, Main Campus, Showalter Hall, Room 201, Cheney, Washington 99004, on November 5, 2014, at 11:00 a.m.

Date of Intended Adoption: November 21, 2014.

Submit Written Comments to: University Policy Administrator, 214 Showalter Hall, Cheney, WA 99004, e-mail tlutey@ewu.edu, fax (509) 359-7036, by November 4, 2014.

Assistance for Persons with Disabilities: Contact Trent Lutey by November 4, 2014, (509) 359-6322.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These revisions are needed to update university standards and processes for initiating and conducting adjudicative proceedings. These changes are intended to update current rules to better comply with state law and better reflect current practices.

Statutory Authority for Adoption: RCW 28B.35.120 (12), chapter 34.05 RCW.

Statute Being Implemented: Not applicable.

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

Name of Agency Personnel Responsible for Drafting: Trent Lutey, 214 Showalter, Cheney, WA 99004, (509) 359-6322; Implementation and Enforcement: Laurie Connelly, 214 Showalter, Cheney, WA 99004, (509) 359-2371.

No small business economic impact statement has been prepared under chapter 19.85 RCW. WAC revision does not impose a disproportionate impact on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. Chapter 172-121 [172-108] WAC is not considered a significant legislative rule by Eastern Washington University.

September 16, 2014

Trent Lutey

University Policy Administrator

Chapter 172-108 WAC

ADJUDICATIVE PROCEEDINGS ((PROCEDURAL RULES))

AMENDATORY SECTION (Amending WSR 92-09-100, filed 4/20/92, effective 5/21/92)

WAC 172-108-010 Introduction ((Matters subject to brief adjudication)). Eastern Washington University conducts adjudicative proceedings as required by the Administrative Procedures Act, chapter 34.05 RCW. ((This rule is adopted in accordance with RCW 34.05.482-494, the provisions of which are hereby adopted. When required by law or constitutional right, brief adjudicative proceedings shall be used in all matters of appeal related to:

(1) Residency determinations made pursuant to RCW 28B.15.013, conducted by the admissions office;

(2) Challenges to contents of education records, review of the denial to obtain such records, or challenges to the transferability of such records. The procedural rules of chapter 172-190 WAC apply to these proceedings;

(3) Student conduct proceedings. The procedural rules in chapter 172-120 WAC apply to these proceedings;

~~(4) Outstanding debts owed by employees, or outstanding debts owed by students pursuant to chapters 172-124 and 172-144 WAC; and~~

~~(5) Traffic and parking violations and revocations of any parking permit pursuant to WAC 172-116-315 or 172-116-175.))~~

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 92-09-100, filed 4/20/92, effective 5/21/92)

WAC 172-108-020 Appointment of presiding officer.

The president of Eastern Washington University or an authorized designee shall have the power to appoint a presiding officer for formal and brief adjudicative proceedings. The term((-)) presiding officer((-)) shall mean one or more presiding officers as appointed by the president or authorized designee. ~~((The presiding officer shall be either an administrative law judge; a member in good standing of the Washington State Bar Association; committees or members of the faculty, staff or student body; a panel of individuals; the president or authorized designee; or any combination of the above.))~~ Where more than one individual is designated to be the presiding officer, one person may be designated to make procedural decisions ~~((by the president or president's designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters)).~~

AMENDATORY SECTION (Amending WSR 92-09-100, filed 4/20/92, effective 5/21/92)

WAC 172-108-030 Method of recording and recording devices. The presiding officer is responsible for maintaining a record of the proceedings which shall include all documents prepared for and used in the adjudicative proceeding. The university may record proceedings ((Proceedings shall be recorded by)) using a method determined by the presiding officer, among those available pursuant to the model rules of procedure in WAC 10-08-170. No cameras or recording devices are allowed in those parts of proceedings which the presiding officer has determined closed pursuant to WAC 172-108-060, except for the method of official recording selected by the institution.

NEW SECTION

WAC 172-108-035 Advising and representation of parties. Parties to an adjudicative proceeding may be assisted by one advisor of their choice, subject to the following provisions:

(a) Any fees or expenses associated with the services of an advisor are the responsibility of the person who employed the advisor;

(b) The advisor may be an attorney;

(c) Advisors may not speak or participate directly in any proceeding; the person requesting an adjudicative proceeding is responsible for presenting their own case but may speak quietly with their advisor during such proceedings;

(d) If an attorney is used as an advisor, the person using the attorney shall inform the presiding officer of their intent to do so at least two business days prior to any adjudicative proceeding; and

(e) The presiding officer shall have the power to impose reasonable conditions upon participation of advisors and representatives.

AMENDATORY SECTION (Amending WSR 92-09-100, filed 4/20/92, effective 5/21/92)

WAC 172-108-040 Formal adjudicative proceedings ((Application for adjudicative proceeding)). (1) In formal adjudicative proceedings required pursuant to RCW 34.05.-413 through 34.05.476, Eastern Washington University adopts the model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, except for those rules which are in conflict with the provisions set forth in this chapter. The model rules are contained in chapter 10-08 WAC. In the case of a conflict between the model rules of procedure and these procedural rules, the procedural rules adopted by Eastern Washington University shall govern.

(2) An application for a formal adjudicative proceeding shall be in writing. Application forms are available from: University Policy Administration; Office of the President ((Rules Coordinator)); Eastern Washington University; Showalter 214, Cheney, WA 99004-2496. Written application for a formal ((an)) adjudicative proceeding in response to the institution's action must ((should)) be submitted to the above address within ((20)) 21 calendar days of the action, unless otherwise provided by statute or rule.

AMENDATORY SECTION (Amending WSR 92-09-100, filed 4/20/92, effective 5/21/92)

WAC 172-108-050 Brief adjudicative proceedings ((Discovery)). In accordance with RCW 34.05.410 (1)(a), the procedures identified in RCW 34.05.482-494 apply to all brief adjudicative proceedings at Eastern Washington University. All applications for a brief adjudicative proceeding shall be in writing. Application forms are available from: University Policy Administration; Office of the President; Showalter 214; Eastern Washington University; Cheney, WA 99004-2496. Written application for a brief adjudicative proceeding in response to the institution's action must be submitted to the university within 21 calendar days of the action, unless a different time frame is specified in the regulations identified below that apply to the type of decision being challenged. When required by law or constitutional right, brief adjudicative proceedings shall be used in all matters of appeal related to:

(1) Residency determinations made pursuant to RCW 28B.15.013 and chapter 250-18 WAC;

(2) Challenges to contents of education records, review of the denial to inspect such records, or challenges to the disclosure of such records. In addition to the rules identified below, these challenges are governed by chapter 172-191 WAC;

(3) Student conduct proceedings. In addition to the rules identified below, these proceedings are governed by chapter 172-121 WAC;

(4) Outstanding debts owed by students or employees, pursuant to chapters 172-124 and 172-144 WAC;

(5) Traffic and parking violations and revocations of any parking permit pursuant to chapter 172-100;

(6) Student academic integrity proceedings. In addition to the rules identified below, these proceedings are governed by chapter 172-90 WAC.

(7) Library fines and charges;

(8) Reduction, cancellation, or non-renewal of institutional financial aid when based in any degree on athletics ability per National Collegiate Athletic Association rules;

(9) Administrative decisions regarding mandatory tuition and/or fee waivers;

(10) Intellectual property ownership determinations in accordance with EWU Policy 302-04;

(11) Ethics in research violations in accordance with EWU Policy 302-05;

(12) Matters subject to review by the Academic Appeals Board in accordance with EWU Policy 303-21;

(13) Matters subject to review regarding graduate students in accordance with EWU Policy 303-22;

(14) Citations issued by university police regarding the use of golf carts and utility vehicles, in accordance with EWU Policy 603-06;

(15) Fines imposed for impermissible use of tobacco, electronic cigarettes, and related products in accordance with WAC 172-122-310;

(16) Financial aid appeals as provided for by federal law and in accordance with EWU policies for satisfactory academic progress for undergraduate, post-baccalaureate, and graduate students;

(17) Denial of work study or termination from a work study position when required by federal law;

(18) Notice against trespass issued per WAC 172-122-200;

(19) Denial of request to waive undergraduate housing requirement under chapter 172-130 WAC;

(20) Fines assessed under a university housing agreement; and,

(21) Penalties imposed for violations of pet control regulations in accordance with chapter 172-115 WAC. ((Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery the presiding officer shall make reference to the civil rules of procedure. The presiding officer has the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.))

AMENDATORY SECTION (Amending WSR 92-09-100, filed 4/20/92, effective 5/21/92)

WAC 172-108-060 Brief adjudicative proceedings closed ((Procedure for closing parts of the hearings)). Brief adjudicative proceedings shall be closed to the public unless the Open Public Meetings Act, chapter 42.30 RCW, requires otherwise. If the act requires an open proceeding, then a ((A)) party may apply to the presiding officer for a pro-

tective order to close part of the proceeding ((a hearing)). The party making the request should state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within 10 days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons therefor in writing within 20 days of receiving the request. No cameras or recording devices, other than the official recording method, shall be allowed in proceedings or parts of proceedings which have been closed.

AMENDATORY SECTION (Amending WSR 92-09-100, filed 4/20/92, effective 5/21/92)

WAC 172-108-070 Procedures for brief adjudicative proceedings ((Recording devices)). For those proceedings identified as brief adjudicative proceedings in WAC 172-08-010, the model rules of procedure, chapter 10-08 WAC shall not apply. Brief adjudicative proceedings shall be governed by the procedures below and RCW 34.05.482-494:

(1) The presiding officer for a brief adjudicative proceeding shall be selected in accordance with WAC 172-108-020.

(2) For any matters subject to review under WAC 172-08-010, the presiding officer shall provide an individual with the opportunity to explain his or her position. If, after considering the information provided, the presiding officer makes a decision that is unfavorable to the individual, such decision shall be conveyed to the individual in writing. Within 10 days, the presiding officer shall give the parties a brief written statement of the reasons for the decision and information about any internal administrative review available. The brief written statement shall be considered the university's initial order.

(2) An individual may appeal the initial order by filing a written appeal with the appropriate authority. The appropriate authority is identified in the rules, policies and procedures adopted by the university regarding such determinations. If the rule, policy or procedure does not specify who an appeal should be filed with, an appeal may be filed in writing in accordance with WAC 172-108-040.

(3) All appeals from initial orders must be received by the university within 21 calendar days from the date the initial order was delivered to the affected individual. If a timely appeal is not received, the initial order becomes the university's final order unless the university, on its own motion, chooses to review an order resulting from a brief adjudicative proceeding in accordance with RCW 34.05.491(1).

(4) Upon receipt of an appeal, a reviewing officer will be appointed. The reviewing officer may be the presiding officer who issued the initial order or any other person or group who would qualify as a presiding officer under WAC 172-108-020.

(5) The reviewing officer shall give each party an opportunity to explain the party's position and shall make any inquiries necessary to ascertain whether the proceeding must be converted to a formal adjudicative proceeding. The reviewing officer is not required to conduct a hearing, but may do so if he or she feels it would be helpful or necessary.

(6) Within 20 days of the filing of the appeal, the reviewing officer must issue a written order containing a brief statement of the reasons for his or her decision. The order shall also include a description of any further available administrative review or, if none is available, a notice that judicial review may be available under RCW 34.05.

(7) The university shall maintain as its official record any documents regarding its decision that were considered or prepared by the presiding officer for the brief adjudicative proceeding or by the reviewing officer. ((No cameras or recording devices are allowed in those parts of proceedings which the presiding officer has determined closed pursuant to WAC 172-108-060, except for the method of official recording selected by the institution.))

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 Administrative Code are repealed:

WAC 172-108-080 Petitions for stay of effectiveness.

WAC 172-108-090 Adoption of model rules of procedure.

WSR 14-19-095

PROPOSED RULES

EASTERN WASHINGTON UNIVERSITY

[Filed September 16, 2014, 10:47 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-15-100.

Title of Rule and Other Identifying Information: Repealing WAC 172-122-400 Pet control and 172-122-410 Penalties for violations of pet control regulations; and adopting chapter 172-115 WAC, Animal control, to update rules and associated procedures related to animals and pets on property owned or operated by Eastern Washington University.

Hearing Location(s): Eastern Washington University, Main Campus, Showalter Hall, Room 201, Cheney, Washington 99004, on November 5, 2014, at 11:00 a.m.

Date of Intended Adoption: November 21, 2014.

Submit Written Comments to: University Policy Administrator, 214 Showalter Hall, Cheney, WA 99004, e-mail tlutey@ewu.edu, fax (509) 359-7036, by November 4, 2014.

Assistance for Persons with Disabilities: Contact Trent Lutey by November 4, 2014, (509) 359-6322.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These revisions update university standards and processes concerning the presence of pets and other animals on property owned or controlled by Eastern Washington University. These changes are needed to better support local ordinances and better reflect current practices.

Statutory Authority for Adoption: RCW 28B.35.120 (12).

Statute Being Implemented: Not applicable.

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

Name of Agency Personnel Responsible for Drafting: Trent Lutey, 214 Showalter, Cheney, WA 99004, (509) 359-6322; Implementation and Enforcement: Laurie Connelly, 214 Showalter, Cheney, WA 99004, (509) 359-2371.

No small business economic impact statement has been prepared under chapter 19.85 RCW. WAC revision does not impose a disproportionate impact on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. Chapter 172-121 [172-115 and 172-122] WAC is not considered a significant legislative rule by Eastern Washington University.

September 16, 2014

Trent Lutey

University Policy Administrator

Chapter 172-115 WAC

PET CONTROL

NEW SECTION

WAC 172-115-010 Definitions. (1) "Pet" includes all nonhuman mammals, birds, reptiles, and amphibians. "Pet" does not include service or working animals.

(2) "Owner" means any person having control, custody, or possession of a pet.

(3) "Service animal" means an animal that is trained for the purpose of assisting or accommodating a person's sensory, mental, or physical disability, as defined by applicable state and/or federal laws.

(4) "University property" means property that the university owns, operates, leases, rents, or otherwise controls.

(5) "Working animal" means an animal that is trained for specific tasks and under the control of police, security or emergency personnel, or of a university employee. Examples of working animals include, but are not limited to, patrol, rescue, or sentry dogs.

NEW SECTION

WAC 172-115-020 Compliance with local regulations. Title 7 of the municipal code of the City of Cheney, Washington, relating to animal control applies to university property within the City of Cheney, Washington. Relevant state, county, and municipal laws relating to animal control shall apply to all university property outside the City of Cheney, Washington.

NEW SECTION

WAC 172-115-030 Pets on campus. Pets are permitted on university property only when their presence complies with all of the following requirements:

(1) All pets brought onto university property must be licensed and leashed as required by local ordinances and/or state law.

(2) Pets are not permitted inside university buildings, except pets may be permitted in housing facilities when the

pet's presence fully complies with all applicable housing agreements and policies or when required by state or federal law.

(3) Owners shall maintain direct and continuous control of any pet brought onto university property. Owners shall not permit any pet to run at large on university property. Pets that are tethered in the owner's absence and not under the owner's direct control are considered to be running at large.

(4) Owners shall not permit any pet to enter any pond, fountain, or stream located on university property.

(5) Owners shall remove from university property any pet that disturbs or disrupts university activities or operations.

(6) Owners shall immediately remove from university property any pet that exhibits behavior that is threatening to people, other animals, or university property.

(7) Owners shall immediately clean-up and properly dispose of any feces or vomit created by their pets.

(8) Further restrictions to pets may apply to specific areas of university property, consistent with university policies and/or state and federal laws, including, but not limited to, food preparation areas, animal research facilities, and biologically sensitive or hazardous areas.

NEW SECTION

WAC 172-115-040 Enforcement and penalties. (1) Any pet found on university property in violation of the City of Cheney's municipal code may be reported to City of Cheney authorities.

(2) Owners found in violation of any provision of this chapter may be cited, banned from university property, or otherwise disciplined by the university.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 172-122-400 Pet control.

WAC 172-122-410 Penalties for violations of pet control regulations.

WSR 14-19-096

PROPOSED RULES

EASTERN WASHINGTON UNIVERSITY

[Filed September 16, 2014, 10:47 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-15-095.

Title of Rule and Other Identifying Information: Repealing chapter 172-09 WAC, Administration of duties and obligations required by Initiative 276—Academic transcripts of Eastern Washington State College students, and adopting chapter 172-10 WAC, Public records requests, to update rules and associated procedures related to public record[s] requests submitted to Eastern Washington University. These rules constitute a significant revision that is more easily

implemented by repealing the existing chapter and adopting a new chapter.

Hearing Location(s): Eastern Washington University, Main Campus, Showalter Hall, Room 201, Cheney, Washington 99004, on November 5, 2014, at 11:00 a.m.

Date of Intended Adoption: November 21, 2014.

Submit Written Comments to: University Policy Administrator, 214 Showalter Hall, Cheney, WA 99004, e-mail tlutey@ewu.edu, fax (509) 359-7036, by November 4, 2014.

Assistance for Persons with Disabilities: Contact Trent Lutey by November 4, 2014, (509) 359-6322.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These revisions are needed to update university standards and processes for responding to requests for public records. These changes are needed to better comply with state law and better reflect current practices.

Statutory Authority for Adoption: RCW 28B.35.120 (12), chapter 42.56 RCW.

Statute Being Implemented: Not applicable.

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

Name of Agency Personnel Responsible for Drafting: Trent Lutey, 214 Showalter, Cheney, WA 99004, (509) 359-6322; Implementation and Enforcement: Laurie Connelly, 214 Showalter, Cheney, WA 99004, (509) 359-2371.

No small business economic impact statement has been prepared under chapter 19.85 RCW. WAC revision does not impose a disproportionate impact on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. Chapter 172-121 [172-09 and 172-10] WAC is not considered a significant legislative rule by Eastern Washington University.

September 16, 2014

Trent Lutey

University Policy Administrator

Chapter 172-10 WAC

PUBLIC RECORDS REQUESTS

NEW SECTION

WAC 172-10-010 Authority and purpose. (1) Per RCW 42.56.070(1), Eastern Washington University makes available for inspection and copying nonexempt "public records" as described in these rules. "Public record" includes any "writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained" by Eastern Washington University, regardless of the physical form or characteristics.

(2) The purpose of these rules is to establish the procedures Eastern Washington University will follow in order to provide full access to public records. These rules provide information to persons wishing to request access to public records of Eastern Washington University and establish processes for both requestors and Eastern Washington University staff that are designed to best assist members of the public in obtaining such access.

(3) The purpose of the Public Records Act is to provide the public full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of the efficient administration of government. In carrying out its responsibilities under the act, Eastern Washington University will be guided by the provisions of the act describing its purposes and interpretation.

NEW SECTION

WAC 172-10-020 Public records officer. (1) Any person wishing to request access to public records of Eastern Washington University, or seeking assistance in making such a request should contact the public records officer of Eastern Washington University. Throughout this chapter, references to the public records officer shall mean the public records officer or his/her designee.

(2) Contact Information:

Public Records Officer
Eastern Washington University
Business and Finance Office
307 Showalter Hall, Cheney, WA 99004
Phone: (509) 359-4210
Fax: (509) 359-6705
Email: pr@ewu.edu

(3) Information is also available at the Eastern Washington University web site at <http://access.ewu.edu/public-records>.

(4) The public records officer and Eastern Washington University shall assist requestors, comply with the Public Records Act, and provide public records training and assistance to university employees.

NEW SECTION

WAC 172-10-030 Availability of public records. (1) Hours for inspection of records. Public records are available for inspection and copying during normal business hours of Eastern Washington University, Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding legal holidays, unless the requestor and the public records officer agree on a different time. Records must be inspected at the offices of Eastern Washington University.

(2) University Policy Index. An index of Eastern Washington University's generally applicable rules, policies and procedures is available for use by members of the public and may be accessed on-line at www.ewu.edu/policy.

(3) Organization of records. Eastern Washington University will maintain its records in a reasonably organized manner. Eastern Washington University will take reasonable actions to protect records from damage and disorganization. A requestor shall not take Eastern Washington University records from Eastern Washington University offices without the permission of the public records officer. A variety of records are available on the Eastern Washington University web site at www.ewu.edu. Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

(4) Making a request for public records.

(a) Any person wishing to inspect or copy public records of Eastern Washington University should make the request in writing on the Eastern Washington University public records request form, or by letter, fax, or e-mail addressed to the public records officer and including the following information:

- (i) Name of requestor;
 - (ii) Address of requestor;
 - (iii) Other contact information, including telephone number and any e-mail address;
 - (iv) Identification of the public records adequate for the public records officer to locate the records; and
 - (v) The date and time of day of the request.
- (vi) A verification that the records requested shall not be used to compile a commercial sales list.

(b) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or a deposit. Pursuant to section WAC 172-10-080, standard photocopies will be provided at fifteen (15) cents per page.

(c) A form is available for use by requestors at the office of the public records officer and on-line at <http://access.ewu.edu/Documents/Public%20Records/public-records-request-form.pdf>.

(d) The public records officer may accept requests for public records that contain the above information by telephone or in person, but is not required to do so. If the public records officer accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing.

NEW SECTION

WAC 172-10-040 Processing of public records requests—General. (1) The public records officer will process requests in the order that allows the most requests to be processed in the most efficient manner. University employees who receive a request for public records shall immediately forward the request to the university public records officer.

(2) Acknowledging receipt of request. Within five business days of receipt of a request, the public records officer will do one or more of the following:

- (a) Make the records available for inspection or copying;
- (b) If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor;
- (c) Provide a reasonable estimate of when records will be available;
- (d) If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone. The public records officer may revise the estimate of when records will be available; or
- (e) Deny the request.

(3) Follow-up on requests. If Eastern Washington University does not respond in writing within five business days of receipt of the request for disclosure, the requestor should

consider contacting the public records officer to determine the reason for the failure to respond.

(4) Protecting rights of others. In the event that the requested records contain information that may affect rights of others or may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for the affected persons to seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.

(5) Records exempt from disclosure. Some records are exempt from disclosure, in whole or in part. If Eastern Washington University believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief explanation of why the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

(6) Inspection of records.

(a) Consistent with other demands, Eastern Washington University shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the agency to copy.

(b) The requestor must claim or review the assembled records within thirty days of the university's notification to him or her that the records are available for inspection or copying. Eastern Washington University will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the university to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, Eastern Washington University may close the request and refile the assembled records. Subsequent requests from the same person will be processed as a new request.

(7) Providing copies of records. After inspection is complete, the public records officer shall make the requested copies or arrange for copying.

(8) Providing records in installments. When the request is for a large number of records, the public records officer will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer may stop searching for the remaining records and close the request.

(9) Completion of inspection. When the inspection of the requested records is complete and all requested copies are provided, the public records officer will indicate that Eastern Washington University has completed a diligent search for the requested records and made any located nonexempt records available for inspection.

(10) Closing withdrawn or abandoned request. When the requestor withdraws the request, fails to respond to a request

for clarification, or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer will close the request and indicate to the requestor that Eastern Washington University has closed the request.

(11) Later discovered documents. If, after Eastern Washington University has informed the requestor that it has provided all available records, Eastern Washington University becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

NEW SECTION

WAC 172-10-050 Obligations of requestors. (1) Reasonable notice that request is for public records. A requestor must give Eastern Washington University reasonable notice that the request is being made pursuant to the Public Records Act. Requestors should refer to the Public Records Act; however, requests using terms such as "public records," "public disclosure," "FOIA," or "Freedom of Information Act" shall be considered by the university as requests for information under the Public Records Act.

(2) Identifiable record. A requestor must request an "identifiable record" or "class of records" before the university can respond. An "identifiable record" is one that university staff can reasonably locate. An "identifiable record" is not a request for "information" in general. When a request uses an inexact phrase such as all records "relating to" a topic, the university may seek clarification of the request from the requestor.

NEW SECTION

WAC 172-10-060 Processing of public records requests—Electronic records. (1) Requesting electronic records. The process for requesting electronic public records is the same as for requesting paper public records.

(2) Providing electronic records. When a requestor requests records in an electronic format, the public records officer will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the agency and is generally commercially available, or in a format that is reasonably translatable from the format in which the agency keeps the record. Costs for providing electronic records are governed by WAC 172-10-080.

(3) Customized access to data bases. With the consent of the requestor, the university may provide customized access under RCW 43.105.280 if the record is not reasonably locatable or not reasonably translatable into the format requested. Eastern Washington University may charge a fee consistent with RCW 43.105.280 for such customized access.

NEW SECTION

WAC 172-10-070 Exemptions. The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any other law exempts or pro-

hibits disclosure. Eastern Washington University maintains a non-exclusive list of records that it considers exempt from disclosure, along with the associated federal or state law that exempts those records, on its public records website at <http://access.ewu.edu/public-records>.

NEW SECTION

WAC 172-10-080 Costs of providing copies of public records. (1) Costs for paper copies. There is no fee for inspecting public records. A requestor may obtain standard photocopies for fifteen cents per page.

Before beginning to make the copies, the public records officer may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The public records officer may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. Eastern Washington University will not charge sales tax when it makes copies of public records.

(2) Costs for electronic records. The cost of electronic copies of records shall be five dollars for information on a CD-ROM. The cost of scanning existing university paper or other nonelectronic records is ten cents per page. There will be no charge for e-mailing electronic records to a requestor, unless another cost applies such as a scanning fee.

(3) Costs of mailing. Eastern Washington University may also charge actual costs of mailing, including the cost of the shipping container.

(4) Payment. Payment may be made by cash, check, or money order to Eastern Washington University.

NEW SECTION

WAC 172-10-090 Review of denials of public records. (1) Petition for internal administrative review of denial of access. Any person who objects to the initial denial or partial denial of a records request may petition in writing (including e-mail) to the public records officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the public records officer denying the request.

(2) Consideration of petition for review. The public records officer shall promptly provide the petition and any other relevant information to the Associate to the President, who will immediately consider the petition and either affirm or reverse the denial within two business days following the university's receipt of the petition, or within such other time as Eastern Washington University and the requestor mutually agree to.

(3) Review by the attorney general's office. Pursuant to RCW 42.56.530, if the university denies a requestor access to public records because it claims the record is exempt in whole or in part from disclosure, the requestor may request the attorney general's office to review the matter. The attorney general has adopted rules on such requests in WAC 44-06-160. A requestor may initiate such a review by sending a request for review to Public Records Review, Office of the Attorney General, P.O. Box 40100, Olympia, Washington 98504-0100 or publicrecords@atg.wa.gov.

(4) Judicial review. Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 172-09-010	Purpose.
WAC 172-09-020	Definition of public record.
WAC 172-09-025	Exempted records.
WAC 172-09-030	Description of central and field organization at Eastern Washington State College.
WAC 172-09-040	General course and method of decision making.
WAC 172-09-050	Informal procedures regarding the general course and methods of decision.
WAC 172-09-060	Designation of public records officers.
WAC 172-09-070	Availability for public inspection and copying of public records.
WAC 172-09-080	Requests for public records.
WAC 172-09-090	Charges for copying.
WAC 172-09-100	Determination regarding exempt records.
WAC 172-09-110	Review of denials of public records requests.
WAC 172-09-120	Repealer.
WAC 172-09-200	Academic transcripts of Eastern Washington State College students.

WSR 14-19-098

PROPOSED RULES

EASTERN WASHINGTON UNIVERSITY

[Filed September 16, 2014, 12:14 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-15-093.

Title of Rule and Other Identifying Information: Repealing chapter 172-65 WAC, Use of alcoholic beverages by students twenty-one years and older in residence halls and other student housing at Eastern Washington University.

Hearing Location(s): Eastern Washington University, Main Campus, Showalter Hall, Room 201, Cheney, Washington 99004, on November 5, 2014, at 11:00 a.m.

Date of Intended Adoption: November 21, 2014.

Submit Written Comments to: University Policy Administrator, 214 Showalter Hall, Cheney, WA 99004, e-mail tlutey@ewu.edu, fax (509) 359-7036, by November 4, 2014.

Assistance for Persons with Disabilities: Contact Trent Lutey by November 4, 2014, (509) 359-6322.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These rules are being incorporated into chapter 172-64 WAC.

Statutory Authority for Adoption: RCW 28B.35.120 (12).

Statute Being Implemented: Not applicable.

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

Name of Agency Personnel Responsible for Drafting: Trent Lutey, 214 Showalter, Cheney, WA 99004, (509) 359-6322; Implementation and Enforcement: Laurie Connelly, 214 Showalter, Cheney, WA 99004, (509)359-2371.

No small business economic impact statement has been prepared under chapter 19.85 RCW. WAC revision does not impose a disproportionate impact on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. Chapter 172-121 [172-65] WAC is not considered a significant legislative rule by Eastern Washington University.

September 16, 2014

Trent Lutey

University Policy Administrator

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 172-65-010	Introduction and purpose.
WAC 172-65-020	Jurisdiction.
WAC 172-65-030	General prohibition against drinking in public places.
WAC 172-65-040	Limited rights to consume and possess alcoholic beverages accorded.
WAC 172-65-050	Sales of alcoholic beverages prohibited.
WAC 172-65-060	Roommate preference allowed.
WAC 172-65-070	Information relative to rules must be provided.
WAC 172-65-080	Reports of violations required.
WAC 172-65-090	Organizations responsible for conduct.

WSR 14-19-099

PROPOSED RULES

EASTERN WASHINGTON UNIVERSITY

[Filed September 16, 2014, 12:14 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-15-096.

Title of Rule and Other Identifying Information: Repealing chapter 172-66 WAC, Application for a liquor license

permitting beer to be sold for on-campus premises consumption.

Hearing Location(s): Eastern Washington University, Main Campus, Showalter Hall, Room 201, Cheney, Washington 99004, on November 5, 2014, at 11:00 a.m.

Date of Intended Adoption: November 21, 2014.

Submit Written Comments to: University Policy Administrator, 214 Showalter Hall, Cheney, WA 99004, e-mail tlutey@ewu.edu, fax (509) 359-7036, by November 4, 2014.

Assistance for Persons with Disabilities: Contact Trent Lutey by November 4, 2014, (509) 359-6322.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These rules are being incorporated into chapter 172-64 WAC.

Statutory Authority for Adoption: RCW 28B.35.120 (12).

Statute Being Implemented: Not applicable.

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

Name of Agency Personnel Responsible for Drafting: Trent Lutey, 214 Showalter, Cheney, WA 99004, (509) 359-6322; Implementation and Enforcement: Laurie Connelly, 214 Showalter, Cheney, WA 99004, (509) 359-2371.

No small business economic impact statement has been prepared under chapter 19.85 RCW. WAC revision does not impose a disproportionate impact on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. Chapter 172-121 [172-66] WAC is not considered a significant legislative rule by Eastern Washington University.

September 16, 2014

Trent Lutey
University Policy Administrator

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 172-66-010 Purpose.

WAC 172-66-020 Initial procedures.

WSR 14-19-100
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed September 16, 2014, 12:35 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-13-090.

Title of Rule and Other Identifying Information: Chapter 296-17 WAC, General reporting rules, audit and recordkeeping, rates and rating system for Washington workers' compensation insurance and chapter 296-17B WAC, Retrospective rating for workers' compensation insurance.

Hearing Location(s): Whatcom Community College, 237 West Kellogg Road, Room FND 105, Bellingham, WA

98226, on October 22, 2014, at 9:00 a.m.; at the Spokane CenterPlace, 2426 North Discovery Place, Spokane Valley, WA 99216, on October 23, 2014, at 9:00 a.m.; at the Richland Community Center, Activity Room, 500 Amon Park Drive, Richland, WA 99352, on October 24, 2014, at 9:00 a.m.; at the Department of Labor and Industries (L&I), Auditorium, 7273 Linderson Way S.W., Tumwater, WA 98501, on October 27, 2014, at 9:00 a.m.; at L&I Tukwila, 12806 Gateway Drive, Tukwila, WA 98168, on October 28, 2014, at 9:00 a.m.; and at Vancouver Northwest Regional Training Center, 11606 N.E. 66 Street, Suite 103, Vancouver, WA 98662, on October 30, 2014, at 9:00 a.m.

Date of Intended Adoption: November 25, 2014.

Submit Written Comments to: Jo Anne Attwood, P.O. Box 41448 [98504-1448], Olympia, WA 98504-4148, e-mail joanne.attwood@lni.wa.gov, fax (360) 902-4988, by 5 p.m. on November 3, 2014.

Assistance for Persons with Disabilities: Contact office of information and assistance by October 15, 2014, TTY (360) 902-5797.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule proposal will amend the tables of classification base premium rates, experience rating plan parameters, experience modification factor calculation limitations and retrospective rating plan size groupings for the workers' compensation insurance program for calendar year 2015. Classification base rates were amended for updated loss and payroll experience. The department proposes a 1.8 percent overall average premium rate increase.

This rule proposal also repeals:

- WAC 296-17-89506 Farm internship program rates which are being incorporated into WAC 296-17-895.
- WAC 296-17-89505 2007 Rate holiday dividend which is now obsolete.

In a separate rule-making proposal, the department is proposing to move tree care and pruning services not otherwise classified out of classification 0101-36 and into a new classification 0106. These proposed rules set rates for classifications 0101 and 0106 that were calculated assuming the rules making that classification change will be adopted.

For the purpose of partially funding the Logger Safety Initiative, the Supplemental Pension Fund will be increased by 2.0 mils (\$0.0020) to 47.2 mils (\$0.0472) per hour for each employer and worker for work reported in the forest products industry risk classifications: 1002, 1003, 1004, 1005, 2401, 2903, 2904, 2905, 2907, 2909, 5001, 5002, 5003, 5004, 5005, 5006, 6902. Each of these risk classifications are defined in chapter 296-17A WAC.

Repealing WAC 296-17-89505 2007 Rate holiday dividend and 296-17-89506 Farm internship program industrial insurance, accident fund, stay at work fund, medical aid fund, and supplemental pension by class; and amending WAC 296-17-855 Experience modification, 296-17-875 Table I, 296-17-880 Table II, 296-17-885 Table III, 296-17-890 Table IV, 296-17-895 Industrial insurance accident fund base rates, stay at work and medical aid base rates by class of industry, 296-17-89502 Industrial insurance accident fund, stay at work, medical aid and supplemental pension rates by class of

industry for nonhourly rated classifications, 296-17-89507 Horse racing rates, 296-17-901 Risk classification hazard group table, 296-17-920 Assessment for supplemental pension fund, 296-17B-540 Determining loss incurred for each claim, and 296-17B-900 Retrospective rating plans standard premium size ranges.

Reasons Supporting Proposal: The department's decision to increase overall rates is intended to ensure adequate premiums to cover expected losses for 2015 claims and to continue rebuilding the trust funds' contingency reserves to adequate levels. Washington law provides that rates should be adjusted annually to reflect the hazards of each industry and in accordance with recognized workers' compensation insurance principles.

Statutory Authority for Adoption: RCW 51.16.035 (base rates), RCW 51.32.073 (supplemental pension), RCW 51.18.010 (retrospective rating), and RCW 51.04.020(1) (general authority); session law, section 217(6), chapter 4, Laws of 2013 2nd special session.

Statute Being Implemented: RCW 51.16.035, 51.32.073 and 51.18.010; session law section 217(6), chapter 4, Laws of 2013 2nd special session.

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

Name of Proponent: L&I, governmental.

Name of Agency Personnel Responsible for Drafting: Jo Anne Attwood, Tumwater, Washington, (360) 902-4777; Implementation: Doug Stewart, Tumwater, Washington, (360) 902-4826; and Enforcement: Victoria Kennedy, Tumwater, Washington, (360) 902-4777.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No small business economic impact statement is required as the proposed rules are adjusting rates pursuant to legislative standards.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rules are adjusting rates pursuant to legislative standards.

September 16, 2014
Joel Sacks
Director

AMENDATORY SECTION (Amending WSR 13-24-073, filed 11/30/13, effective 1/1/14)

WAC 296-17-855 Experience modification. The basis of the experience modification shall be a comparison of the actual losses charged to an employer during the experience period with the expected losses for an average employer reporting the same exposures in each classification. The comparison shall contain actuarial refinements designed to weigh the extent to which the actual experience is credible, due consideration being given to the volume of the employer's experience. Except for those employers who qualify for an adjusted experience modification as specified in WAC 296-17-860 or 296-17-865, the experience modification factor shall be calculated from the formula:

$$\text{EXPERIENCE MODIFICATION FACTOR} = \frac{\text{Credible Actual Primary Loss} + \text{Credible Actual Excess Loss}}{\text{Expected Loss}}$$

Where

$$\begin{aligned} \text{Credible Actual Primary Loss} &= \text{Actual Primary Loss} \times \text{Primary Credibility} \\ &+ \text{Expected Primary Loss} \times (100\% - \text{Primary Credibility}) \\ \text{Credible Actual Excess Loss} &= \text{Actual Excess Loss} \times \text{Excess Credibility} \\ &+ \text{Expected Excess Loss} \times (100\% - \text{Excess Credibility}) \end{aligned}$$

The meaning and function of each term in the formula is specified below.

For each claim, the actual primary loss is the first dollar portion of the claim costs, which has been shown in actuarial studies, to have the greater credibility in predicting future experience. These amounts are summed over all claims. For each claim in excess of \$20,112 the actual primary loss shall be determined from the formula:

$$\text{ACTUAL PRIMARY LOSS} = \frac{50,280}{(\text{Total loss} + 30,168)} \times \text{total loss}$$

For each claim, less than \$20,112 the full value of the claim shall be considered a primary loss.

For each claim, the excess actual loss is the remaining portion of the claim costs, which have been shown in actuarial studies to have less credibility in predicting future experience. The excess actual loss for each claim shall be determined by subtracting the primary loss from the total loss. These amounts are summed over all claims.

For any claim without disability benefits (time loss, partial permanent disability, total permanent disability or death) either actually paid or estimated to be paid, the total actual losses for calculating the primary loss and excess loss shall first be reduced by the lesser of \$((2,610)) 2,690 or the total cost of the claim. Here are some examples for these claims:

Total Loss	Type of Claim	Total Loss (after deduction)	Primary Loss	Excess Loss
300	Medical Only	0	0	0
3,000	Medical Only	((390)) <u>310</u>	((390)) <u>310</u>	0
3,000	Time Loss	3,000	3,000	0
30,000	Medical Only	((27,390)) <u>27,310</u>	((23,927)) <u>23,890</u>	((3,463)) <u>3,420</u>
30,000	Time Loss	30,000	25,070	4,930
130,000	PPD	130,000	40,810	89,190
2,000,000	TPD Pension	((270,128)) <u>271,478</u>	((45,229)) <u>45,241</u>	((224,899)) <u>226,227</u>

Note: The deduction, \$((2,610)) 2,690, is twice the average case incurred cost of these types of claims occurring during the three-year period used for experience rating. On average this results in reducing the average actual loss about seventy percent for these types of claims adjusted. This is done to help make the transition between the two different experience rating methods better by helping make the change in experience factor reasonable for small changes to the actual losses. The \$2,000,000 loss is limited by the Maximum Claim Value before the reduction of \$((2,610)) 2,690 is applied.

For each employer, the primary credibility and the excess credibility determines the percentage weight given to the corresponding actual primary losses and the actual excess losses, included in the calculation of the experience modification, based on the volume of expected losses. Primary credibility and excess credibility values are set forth in Table II.

An employer's expected losses shall be determined by summing the expected loss for each of the three years of the experience period, which are calculated by multiplying the reported exposure in each classification during the year by the corresponding classification expected loss rate and rounding the result to the nearest cent. Classification expected loss rates by year are set forth in Table III.

Expected losses in each classification shall be multiplied by the classification "Primary-Ratio" to obtain "expected primary losses" which shall be rounded to the nearest cent. Expected excess losses shall then be calculated by subtracting expected primary losses from expected total losses rounded to the nearest cent. Primary-Ratios are also set forth in Table III.

AMENDATORY SECTION (Amending WSR 13-24-073, filed 11/30/13, effective 1/1/14)

WAC 296-17-875 Table I.

**Primary Losses for Selected Claim Values
Effective January 1, ((2014)) 2015**

TOTAL LOSS AFTER DEDUCTION	PRIMARY LOSS
5,000	5,000
10,000	10,000
15,000	15,000
20,112	20,112
29,834	25,000
44,627	30,000
69,102	35,000
100,000	38,627
117,385	40,000
200,000	43,690
((270,128)) **	((45,229))
<u>271,478</u>	<u>45,251</u>

** Maximum claim value

AMENDATORY SECTION (Amending WSR 13-24-073, filed 11/30/13, effective 1/1/14)

WAC 296-17-880 Table II.

**PRIMARY AND EXCESS CREDIBILITY VALUES
Effective January 1, ((2014)) 2015**

Maximum Claim Value = \$((270,128)) 271,478

Average Death Value = \$((270,128)) 271,478

Expected Losses	Primary Credibility	Excess Credibility
((1 - 8,134	12%	7%
8,135 - 8,682	13%	7%
8,683 - 9,238	14%	7%
9,239 - 9,799	15%	7%
9,800 - 10,366	16%	7%
10,367 - 10,942	17%	7%
10,943 - 11,525	18%	7%
11,526 - 12,115	19%	7%
12,116 - 12,712	20%	7%
12,713 - 13,318	21%	7%
13,319 - 13,934	22%	7%
13,935 - 14,557	23%	7%
14,558 - 15,190	24%	7%
15,191 - 15,834	25%	7%
15,835 - 16,488	26%	7%
16,489 - 17,149	27%	7%
17,150 - 17,826	28%	7%
17,827 - 18,512	29%	7%
18,513 - 19,212	30%	7%
19,213 - 19,927	31%	7%
19,928 - 20,652	32%	7%
20,653 - 21,395	33%	7%
21,396 - 22,152	34%	7%
22,153 - 22,926	35%	7%
22,927 - 23,720	36%	7%
23,721 - 24,532	37%	7%
24,533 - 25,367	38%	7%
25,368 - 26,221	39%	7%
26,222 - 27,104	40%	7%
27,105 - 28,011	41%	7%
28,012 - 28,949	42%	7%
28,950 - 29,919	43%	7%
29,920 - 30,925	44%	7%
30,926 - 31,973	45%	7%
31,974 - 33,066	46%	7%
33,067 - 34,211	47%	7%

Expected Losses		Primary Credibility	Excess Credibility	Expected Losses		Primary Credibility	Excess Credibility
34,212	- 35,420	48%	7%	698,552	- 724,982	71%	26%
35,421	- 36,702	49%	7%	724,983	- 743,304	71%	27%
36,703	- 38,070	50%	7%	743,305	- 763,065	72%	27%
38,071	- 39,545	51%	7%	763,066	- 788,056	72%	28%
39,546	- 41,162	52%	7%	788,057	- 801,394	73%	28%
41,163	- 42,964	53%	7%	801,395	- 832,811	73%	29%
42,965	- 43,147	54%	7%	832,812	- 839,973	74%	29%
43,148	- 45,041	54%	8%	839,974	- 877,563	74%	30%
45,042	- 47,578	55%	8%	877,564	- 878,808	75%	30%
47,579	- 72,005	56%	8%	878,809	- 917,897	75%	31%
72,006	- 79,364	57%	8%	917,898	- 922,317	75%	32%
79,365	- 113,360	57%	9%	922,318	- 957,245	76%	32%
113,361	- 116,758	57%	10%	957,246	- 967,069	76%	33%
116,759	- 147,565	58%	10%	967,070	- 996,852	77%	33%
147,566	- 161,511	58%	11%	996,853	- 1,011,824	77%	34%
161,512	- 181,985	59%	11%	1,011,825	- 1,036,725	78%	34%
181,986	- 206,265	59%	12%	1,036,726	- 1,056,577	78%	35%
206,266	- 216,611	60%	12%	1,056,578	- 1,076,862	79%	35%
216,612	- 251,019	60%	13%	1,076,863	- 1,101,330	79%	36%
251,020	- 251,458	61%	13%	1,101,331	- 1,117,267	80%	36%
251,459	- 286,521	61%	14%	1,117,268	- 1,146,081	80%	37%
286,522	- 295,771	61%	15%	1,146,082	- 1,157,944	81%	37%
295,772	- 321,803	62%	15%	1,157,945	- 1,190,836	81%	38%
321,804	- 340,524	62%	16%	1,190,837	- 1,198,896	82%	38%
340,525	- 357,305	63%	16%	1,198,897	- 1,235,589	82%	39%
357,306	- 385,279	63%	17%	1,235,590	- 1,240,125	83%	39%
385,280	- 393,032	64%	17%	1,240,126	- 1,280,343	83%	40%
393,033	- 428,983	64%	18%	1,280,344	- 1,281,634	84%	40%
428,984	- 430,030	64%	19%	1,281,635	- 1,323,422	84%	41%
430,031	- 465,165	65%	19%	1,323,423	- 1,325,093	84%	42%
465,166	- 474,784	65%	20%	1,325,094	- 1,365,497	85%	42%
474,785	- 501,574	66%	20%	1,365,498	- 1,369,848	85%	43%
501,575	- 519,538	66%	21%	1,369,849	- 1,407,863	86%	43%
519,539	- 538,215	67%	21%	1,407,864	- 1,414,603	86%	44%
538,216	- 564,292	67%	22%	1,414,604	- 1,450,518	87%	44%
564,293	- 575,092	68%	22%	1,450,519	- 1,459,356	87%	45%
575,093	- 609,042	68%	23%	1,459,357	- 1,493,468	88%	45%
609,043	- 612,203	69%	23%	1,493,469	- 1,504,109	88%	46%
612,204	- 649,555	69%	24%	1,504,110	- 1,536,715	89%	46%
649,556	- 653,795	69%	25%	1,536,716	- 1,548,861	89%	47%
653,796	- 687,146	70%	25%	1,548,862	- 1,580,264	90%	47%
687,147	- 698,551	70%	26%	1,580,265	- 1,593,616	90%	48%

Expected Losses	Primary Credibility	Excess Credibility	Expected Losses	Primary Credibility	Excess Credibility
1,593,617 - 1,624,115	91%	48%	3,209,083 - 3,265,054	100%	81%
1,624,116 - 1,638,367	91%	49%	3,265,055 - 3,321,465	100%	82%
1,638,368 - 1,668,273	92%	49%	3,321,466 - 3,378,325	100%	83%
1,668,274 - 1,683,123	92%	50%	3,378,326 - 3,435,638	100%	84%
1,683,124 - 1,712,742	93%	50%	3,435,639 - 3,493,412	100%	85%
1,712,743 - 1,727,875	93%	51%	3,493,413 and higher	100%	86%))
1,727,876 - 1,757,524	94%	51%	<u>1</u> = <u>7,727</u>	<u>12%</u>	<u>7%</u>
1,757,525 - 1,772,627	94%	52%	<u>7,728</u> = <u>8,248</u>	<u>13%</u>	<u>7%</u>
1,772,628 - 1,802,623	95%	52%	<u>8,249</u> = <u>8,776</u>	<u>14%</u>	<u>7%</u>
1,802,624 - 1,817,380	95%	53%	<u>8,777</u> = <u>9,309</u>	<u>15%</u>	<u>7%</u>
1,817,381 - 1,848,041	96%	53%	<u>9,310</u> = <u>9,848</u>	<u>16%</u>	<u>7%</u>
1,848,042 - 1,862,134	96%	54%	<u>9,849</u> = <u>10,395</u>	<u>17%</u>	<u>7%</u>
1,862,135 - 1,893,783	97%	54%	<u>10,396</u> = <u>10,949</u>	<u>18%</u>	<u>7%</u>
1,893,784 - 1,906,886	97%	55%	<u>10,950</u> = <u>11,509</u>	<u>19%</u>	<u>7%</u>
1,906,887 - 1,939,851	98%	55%	<u>11,510</u> = <u>12,076</u>	<u>20%</u>	<u>7%</u>
1,939,852 - 1,951,641	98%	56%	<u>12,077</u> = <u>12,652</u>	<u>21%</u>	<u>7%</u>
1,951,642 - 1,986,251	99%	56%	<u>12,653</u> = <u>13,237</u>	<u>22%</u>	<u>7%</u>
1,986,252 - 1,996,393	99%	57%	<u>13,238</u> = <u>13,829</u>	<u>23%</u>	<u>7%</u>
1,996,394 - 2,032,984	100%	57%	<u>13,830</u> = <u>14,430</u>	<u>24%</u>	<u>7%</u>
2,032,985 - 2,080,056	100%	58%	<u>14,431</u> = <u>15,042</u>	<u>25%</u>	<u>7%</u>
2,080,057 - 2,127,467	100%	59%	<u>15,043</u> = <u>15,664</u>	<u>26%</u>	<u>7%</u>
2,127,468 - 2,175,225	100%	60%	<u>15,665</u> = <u>16,292</u>	<u>27%</u>	<u>7%</u>
2,175,226 - 2,223,331	100%	61%	<u>16,293</u> = <u>16,935</u>	<u>28%</u>	<u>7%</u>
2,223,332 - 2,271,789	100%	62%	<u>16,936</u> = <u>17,586</u>	<u>29%</u>	<u>7%</u>
2,271,790 - 2,320,605	100%	63%	<u>17,587</u> = <u>18,251</u>	<u>30%</u>	<u>7%</u>
2,320,606 - 2,369,780	100%	64%	<u>18,252</u> = <u>18,931</u>	<u>31%</u>	<u>7%</u>
2,369,781 - 2,419,320	100%	65%	<u>18,932</u> = <u>19,619</u>	<u>32%</u>	<u>7%</u>
2,419,321 - 2,469,229	100%	66%	<u>19,620</u> = <u>20,325</u>	<u>33%</u>	<u>7%</u>
2,469,230 - 2,519,511	100%	67%	<u>20,326</u> = <u>21,044</u>	<u>34%</u>	<u>7%</u>
2,519,512 - 2,570,170	100%	68%	<u>21,045</u> = <u>21,780</u>	<u>35%</u>	<u>7%</u>
2,570,171 - 2,621,210	100%	69%	<u>21,781</u> = <u>22,534</u>	<u>36%</u>	<u>7%</u>
2,621,211 - 2,672,634	100%	70%	<u>22,535</u> = <u>23,305</u>	<u>37%</u>	<u>7%</u>
2,672,635 - 2,724,449	100%	71%	<u>23,306</u> = <u>24,099</u>	<u>38%</u>	<u>7%</u>
2,724,450 - 2,776,660	100%	72%	<u>24,100</u> = <u>24,910</u>	<u>39%</u>	<u>7%</u>
2,776,661 - 2,829,267	100%	73%	<u>24,911</u> = <u>25,749</u>	<u>40%</u>	<u>7%</u>
2,829,268 - 2,882,279	100%	74%	<u>25,750</u> = <u>26,610</u>	<u>41%</u>	<u>7%</u>
2,882,280 - 2,935,696	100%	75%	<u>26,611</u> = <u>27,502</u>	<u>42%</u>	<u>7%</u>
2,935,697 - 2,989,529	100%	76%	<u>27,503</u> = <u>28,423</u>	<u>43%</u>	<u>7%</u>
2,989,530 - 3,043,778	100%	77%	<u>28,424</u> = <u>29,379</u>	<u>44%</u>	<u>7%</u>
3,043,779 - 3,098,451	100%	78%	<u>29,380</u> = <u>30,374</u>	<u>45%</u>	<u>7%</u>
3,098,452 - 3,153,550	100%	79%	<u>30,375</u> = <u>31,413</u>	<u>46%</u>	<u>7%</u>
3,153,551 - 3,209,082	100%	80%	<u>31,414</u> = <u>32,500</u>	<u>47%</u>	<u>7%</u>

Expected Losses		Primary Credibility	Excess Credibility	Expected Losses		Primary Credibility	Excess Credibility		
<u>32,501</u>	=	<u>33,649</u>	<u>48%</u>	<u>7%</u>	<u>663,624</u>	=	<u>688,733</u>	<u>71%</u>	<u>26%</u>
<u>33,650</u>	=	<u>34,867</u>	<u>49%</u>	<u>7%</u>	<u>688,734</u>	=	<u>706,139</u>	<u>71%</u>	<u>27%</u>
<u>34,868</u>	=	<u>36,166</u>	<u>50%</u>	<u>7%</u>	<u>706,140</u>	=	<u>724,912</u>	<u>72%</u>	<u>27%</u>
<u>36,167</u>	=	<u>37,568</u>	<u>51%</u>	<u>7%</u>	<u>724,913</u>	=	<u>748,653</u>	<u>72%</u>	<u>28%</u>
<u>37,569</u>	=	<u>39,104</u>	<u>52%</u>	<u>7%</u>	<u>748,654</u>	=	<u>761,324</u>	<u>73%</u>	<u>28%</u>
<u>39,105</u>	=	<u>40,816</u>	<u>53%</u>	<u>7%</u>	<u>761,325</u>	=	<u>791,170</u>	<u>73%</u>	<u>29%</u>
<u>40,817</u>	=	<u>40,990</u>	<u>54%</u>	<u>7%</u>	<u>791,171</u>	=	<u>797,974</u>	<u>74%</u>	<u>29%</u>
<u>40,991</u>	=	<u>42,789</u>	<u>54%</u>	<u>8%</u>	<u>797,975</u>	=	<u>833,685</u>	<u>74%</u>	<u>30%</u>
<u>42,790</u>	=	<u>45,199</u>	<u>55%</u>	<u>8%</u>	<u>833,686</u>	=	<u>834,868</u>	<u>75%</u>	<u>30%</u>
<u>45,200</u>	=	<u>68,405</u>	<u>56%</u>	<u>8%</u>	<u>834,869</u>	=	<u>872,002</u>	<u>75%</u>	<u>31%</u>
<u>68,406</u>	=	<u>75,396</u>	<u>57%</u>	<u>8%</u>	<u>872,003</u>	=	<u>876,201</u>	<u>75%</u>	<u>32%</u>
<u>75,397</u>	=	<u>107,692</u>	<u>57%</u>	<u>9%</u>	<u>876,202</u>	=	<u>909,383</u>	<u>76%</u>	<u>32%</u>
<u>107,693</u>	=	<u>110,920</u>	<u>57%</u>	<u>10%</u>	<u>909,384</u>	=	<u>918,716</u>	<u>76%</u>	<u>33%</u>
<u>110,921</u>	=	<u>140,187</u>	<u>58%</u>	<u>10%</u>	<u>918,717</u>	=	<u>947,009</u>	<u>77%</u>	<u>33%</u>
<u>140,188</u>	=	<u>153,435</u>	<u>58%</u>	<u>11%</u>	<u>947,010</u>	=	<u>961,233</u>	<u>77%</u>	<u>34%</u>
<u>153,436</u>	=	<u>172,886</u>	<u>59%</u>	<u>11%</u>	<u>961,234</u>	=	<u>984,889</u>	<u>78%</u>	<u>34%</u>
<u>172,887</u>	=	<u>195,952</u>	<u>59%</u>	<u>12%</u>	<u>984,890</u>	=	<u>1,003,748</u>	<u>78%</u>	<u>35%</u>
<u>195,953</u>	=	<u>205,780</u>	<u>60%</u>	<u>12%</u>	<u>1,003,749</u>	=	<u>1,023,019</u>	<u>79%</u>	<u>35%</u>
<u>205,781</u>	=	<u>238,468</u>	<u>60%</u>	<u>13%</u>	<u>1,023,020</u>	=	<u>1,046,263</u>	<u>79%</u>	<u>36%</u>
<u>238,469</u>	=	<u>238,885</u>	<u>61%</u>	<u>13%</u>	<u>1,046,264</u>	=	<u>1,061,404</u>	<u>80%</u>	<u>36%</u>
<u>238,886</u>	=	<u>272,195</u>	<u>61%</u>	<u>14%</u>	<u>1,061,405</u>	=	<u>1,088,777</u>	<u>80%</u>	<u>37%</u>
<u>272,196</u>	=	<u>280,982</u>	<u>61%</u>	<u>15%</u>	<u>1,088,778</u>	=	<u>1,100,047</u>	<u>81%</u>	<u>37%</u>
<u>280,983</u>	=	<u>305,713</u>	<u>62%</u>	<u>15%</u>	<u>1,100,048</u>	=	<u>1,131,294</u>	<u>81%</u>	<u>38%</u>
<u>305,714</u>	=	<u>323,498</u>	<u>62%</u>	<u>16%</u>	<u>1,131,295</u>	=	<u>1,138,951</u>	<u>82%</u>	<u>38%</u>
<u>323,499</u>	=	<u>339,440</u>	<u>63%</u>	<u>16%</u>	<u>1,138,952</u>	=	<u>1,173,810</u>	<u>82%</u>	<u>39%</u>
<u>339,441</u>	=	<u>366,015</u>	<u>63%</u>	<u>17%</u>	<u>1,173,811</u>	=	<u>1,178,119</u>	<u>83%</u>	<u>39%</u>
<u>366,016</u>	=	<u>373,380</u>	<u>64%</u>	<u>17%</u>	<u>1,178,120</u>	=	<u>1,216,326</u>	<u>83%</u>	<u>40%</u>
<u>373,381</u>	=	<u>407,534</u>	<u>64%</u>	<u>18%</u>	<u>1,216,327</u>	=	<u>1,217,552</u>	<u>84%</u>	<u>40%</u>
<u>407,535</u>	=	<u>408,528</u>	<u>64%</u>	<u>19%</u>	<u>1,217,553</u>	=	<u>1,257,251</u>	<u>84%</u>	<u>41%</u>
<u>408,529</u>	=	<u>441,907</u>	<u>65%</u>	<u>19%</u>	<u>1,257,252</u>	=	<u>1,258,838</u>	<u>84%</u>	<u>42%</u>
<u>441,908</u>	=	<u>451,045</u>	<u>65%</u>	<u>20%</u>	<u>1,258,839</u>	=	<u>1,297,222</u>	<u>85%</u>	<u>42%</u>
<u>451,046</u>	=	<u>476,495</u>	<u>66%</u>	<u>20%</u>	<u>1,297,223</u>	=	<u>1,301,356</u>	<u>85%</u>	<u>43%</u>
<u>476,496</u>	=	<u>493,561</u>	<u>66%</u>	<u>21%</u>	<u>1,301,357</u>	=	<u>1,337,470</u>	<u>86%</u>	<u>43%</u>
<u>493,562</u>	=	<u>511,304</u>	<u>67%</u>	<u>21%</u>	<u>1,337,471</u>	=	<u>1,343,873</u>	<u>86%</u>	<u>44%</u>
<u>511,305</u>	=	<u>536,077</u>	<u>67%</u>	<u>22%</u>	<u>1,343,874</u>	=	<u>1,377,992</u>	<u>87%</u>	<u>44%</u>
<u>536,078</u>	=	<u>546,337</u>	<u>68%</u>	<u>22%</u>	<u>1,377,993</u>	=	<u>1,386,388</u>	<u>87%</u>	<u>45%</u>
<u>546,338</u>	=	<u>578,590</u>	<u>68%</u>	<u>23%</u>	<u>1,386,389</u>	=	<u>1,418,795</u>	<u>88%</u>	<u>45%</u>
<u>578,591</u>	=	<u>581,593</u>	<u>69%</u>	<u>23%</u>	<u>1,418,796</u>	=	<u>1,428,904</u>	<u>88%</u>	<u>46%</u>
<u>581,594</u>	=	<u>617,077</u>	<u>69%</u>	<u>24%</u>	<u>1,428,905</u>	=	<u>1,459,879</u>	<u>89%</u>	<u>46%</u>
<u>617,078</u>	=	<u>621,105</u>	<u>69%</u>	<u>25%</u>	<u>1,459,880</u>	=	<u>1,471,418</u>	<u>89%</u>	<u>47%</u>
<u>621,106</u>	=	<u>652,789</u>	<u>70%</u>	<u>25%</u>	<u>1,471,419</u>	=	<u>1,501,251</u>	<u>90%</u>	<u>47%</u>
<u>652,790</u>	=	<u>663,623</u>	<u>70%</u>	<u>26%</u>	<u>1,501,252</u>	=	<u>1,513,935</u>	<u>90%</u>	<u>48%</u>

Expected Losses		Primary Credibility	Excess Credibility	Expected Losses		Primary Credibility	Excess Credibility		
<u>1,513,936</u>	=	<u>1,542,909</u>	<u>91%</u>	<u>48%</u>	<u>3,048,629</u>	=	<u>3,101,801</u>	<u>100%</u>	<u>81%</u>
<u>1,542,910</u>	=	<u>1,556,449</u>	<u>91%</u>	<u>49%</u>	<u>3,101,802</u>	=	<u>3,155,392</u>	<u>100%</u>	<u>82%</u>
<u>1,556,450</u>	=	<u>1,584,859</u>	<u>92%</u>	<u>49%</u>	<u>3,155,393</u>	=	<u>3,209,409</u>	<u>100%</u>	<u>83%</u>
<u>1,584,860</u>	=	<u>1,598,967</u>	<u>92%</u>	<u>50%</u>	<u>3,209,410</u>	=	<u>3,263,856</u>	<u>100%</u>	<u>84%</u>
<u>1,598,968</u>	=	<u>1,627,105</u>	<u>93%</u>	<u>50%</u>	<u>3,263,857</u>	=	<u>3,318,741</u>	<u>100%</u>	<u>85%</u>
<u>1,627,106</u>	=	<u>1,641,481</u>	<u>93%</u>	<u>51%</u>	<u>3,318,742</u>	=	<u>and higher</u>	<u>100%</u>	<u>86%</u>
<u>1,641,482</u>	=	<u>1,669,648</u>	<u>94%</u>	<u>51%</u>					
<u>1,669,649</u>	=	<u>1,683,996</u>	<u>94%</u>	<u>52%</u>					
<u>1,683,997</u>	=	<u>1,712,492</u>	<u>95%</u>	<u>52%</u>					
<u>1,712,493</u>	=	<u>1,726,511</u>	<u>95%</u>	<u>53%</u>					
<u>1,726,512</u>	=	<u>1,755,639</u>	<u>96%</u>	<u>53%</u>					
<u>1,755,640</u>	=	<u>1,769,027</u>	<u>96%</u>	<u>54%</u>					
<u>1,769,028</u>	=	<u>1,799,094</u>	<u>97%</u>	<u>54%</u>					
<u>1,799,095</u>	=	<u>1,811,542</u>	<u>97%</u>	<u>55%</u>					
<u>1,811,543</u>	=	<u>1,842,858</u>	<u>98%</u>	<u>55%</u>					
<u>1,842,859</u>	=	<u>1,854,059</u>	<u>98%</u>	<u>56%</u>					
<u>1,854,060</u>	=	<u>1,886,938</u>	<u>99%</u>	<u>56%</u>					
<u>1,886,939</u>	=	<u>1,896,573</u>	<u>99%</u>	<u>57%</u>					
<u>1,896,574</u>	=	<u>1,931,335</u>	<u>100%</u>	<u>57%</u>					
<u>1,931,336</u>	=	<u>1,976,053</u>	<u>100%</u>	<u>58%</u>					
<u>1,976,054</u>	=	<u>2,021,094</u>	<u>100%</u>	<u>59%</u>					
<u>2,021,095</u>	=	<u>2,066,464</u>	<u>100%</u>	<u>60%</u>					
<u>2,066,465</u>	=	<u>2,112,164</u>	<u>100%</u>	<u>61%</u>					
<u>2,112,165</u>	=	<u>2,158,200</u>	<u>100%</u>	<u>62%</u>					
<u>2,158,201</u>	=	<u>2,204,575</u>	<u>100%</u>	<u>63%</u>					
<u>2,204,576</u>	=	<u>2,251,291</u>	<u>100%</u>	<u>64%</u>					
<u>2,251,292</u>	=	<u>2,298,354</u>	<u>100%</u>	<u>65%</u>					
<u>2,298,355</u>	=	<u>2,345,768</u>	<u>100%</u>	<u>66%</u>					
<u>2,345,769</u>	=	<u>2,393,535</u>	<u>100%</u>	<u>67%</u>					
<u>2,393,536</u>	=	<u>2,441,661</u>	<u>100%</u>	<u>68%</u>					
<u>2,441,662</u>	=	<u>2,490,149</u>	<u>100%</u>	<u>69%</u>					
<u>2,490,150</u>	=	<u>2,539,002</u>	<u>100%</u>	<u>70%</u>					
<u>2,539,003</u>	=	<u>2,588,227</u>	<u>100%</u>	<u>71%</u>					
<u>2,588,228</u>	=	<u>2,637,827</u>	<u>100%</u>	<u>72%</u>					
<u>2,637,828</u>	=	<u>2,687,804</u>	<u>100%</u>	<u>73%</u>					
<u>2,687,805</u>	=	<u>2,738,165</u>	<u>100%</u>	<u>74%</u>					
<u>2,738,166</u>	=	<u>2,788,911</u>	<u>100%</u>	<u>75%</u>					
<u>2,788,912</u>	=	<u>2,840,053</u>	<u>100%</u>	<u>76%</u>					
<u>2,840,054</u>	=	<u>2,891,589</u>	<u>100%</u>	<u>77%</u>					
<u>2,891,590</u>	=	<u>2,943,528</u>	<u>100%</u>	<u>78%</u>					
<u>2,943,529</u>	=	<u>2,995,872</u>	<u>100%</u>	<u>79%</u>					
<u>2,995,873</u>	=	<u>3,048,628</u>	<u>100%</u>	<u>80%</u>					

AMENDATORY SECTION (Amending WSR 13-24-073, filed 11/30/13, effective 1/1/14)

WAC 296-17-885 Table III.

**Expected Loss Rates and Primary Ratios
by Risk Classification and Fiscal Year
Expected Loss Rates in Dollars Per Worker Hour
Effective January 1, ((2014)) 2015**

Class	((2010)) 2011	((2011)) 2012	((2012)) 2013	Primary Ratio
((0101	1.6300	1.4318	1.2118	0.394
0103	1.8412	1.6229	1.3794	0.408
0104	1.0651	0.9285	0.7739	0.445
0105	1.5554	1.3473	1.1053	0.515
0107	1.1063	0.9658	0.8063	0.439
0108	1.0651	0.9285	0.7739	0.445
0112	0.8228	0.7178	0.5981	0.464
0201	2.0439	1.7909	1.5124	0.363
0202	3.3845	2.9623	2.4892	0.412
0210	1.1124	0.9708	0.8121	0.418
0212	1.3624	1.1864	0.9874	0.445
0214	1.5043	1.3140	1.0997	0.431
0217	1.4061	1.2284	1.0281	0.438
0219	1.1735	1.0211	0.8484	0.447
0301	0.8653	0.7559	0.6296	0.497
0302	2.3884	2.0831	1.7424	0.407
0303	1.7992	1.5755	1.3252	0.418
0306	1.1101	0.9641	0.7982	0.449
0307	0.9641	0.8382	0.6940	0.466
0308	0.6757	0.5893	0.4877	0.539
0403	1.9658	1.7033	1.4028	0.478
0502	1.4122	1.2292	1.0231	0.433
0504	1.9101	1.6848	1.4326	0.426
0507	3.5127	3.1001	2.6385	0.427
0508	1.8984	1.6572	1.3893	0.392
0509	1.5904	1.3957	1.1794	0.390
0510	2.2050	1.9357	1.6336	0.428

Class	(2010) 2011	(2011) 2012	(2012) 2013	Primary Ratio	Class	(2010) 2011	(2011) 2012	(2012) 2013	Primary Ratio
0511	1.6710	1.4495	1.1962	0.465	1507	0.6805	0.5911	0.4874	0.506
0512	1.4698	1.2839	1.0727	0.447	1701	0.8506	0.7428	0.6206	0.456
0513	0.9173	0.7998	0.6667	0.447	1702	1.7499	1.5372	1.3043	0.354
0514	1.9479	1.6904	1.3941	0.484	1703	1.0080	0.8755	0.7280	0.394
0516	1.6632	1.4562	1.2241	0.421	1704	0.8506	0.7428	0.6206	0.456
0517	2.5001	2.2034	1.8738	0.410	1801	0.4900	0.4340	0.3712	0.419
0518	1.4862	1.3001	1.0918	0.408	1802	0.8261	0.7171	0.5897	0.500
0519	1.9044	1.6647	1.3943	0.439	2002	0.9219	0.8062	0.6728	0.490
0521	0.5869	0.5134	0.4301	0.450	2004	0.8318	0.7243	0.5991	0.508
0601	0.6470	0.5622	0.4648	0.467	2007	0.6926	0.6075	0.5092	0.496
0602	0.7444	0.6449	0.5318	0.451	2008	0.4185	0.3667	0.3067	0.491
0603	0.9233	0.8067	0.6755	0.421	2009	0.4125	0.3601	0.2985	0.533
0604	1.3067	1.1437	0.9548	0.504	2101	0.8782	0.7672	0.6378	0.523
0606	0.6746	0.5838	0.4773	0.534	2102	0.7513	0.6514	0.5345	0.527
0607	0.8160	0.7077	0.5823	0.507	2104	0.3626	0.3186	0.2652	0.577
0608	0.3601	0.3149	0.2630	0.472	2105	0.6948	0.6005	0.4894	0.541
0701	1.8594	1.6281	1.3750	0.344	2106	0.5629	0.4926	0.4103	0.514
0803	0.5878	0.5097	0.4183	0.527	2201	0.3015	0.2635	0.2193	0.527
0901	1.4862	1.3001	1.0918	0.408	2202	0.8704	0.7543	0.6192	0.519
1002	1.0020	0.8780	0.7370	0.456	2203	0.5530	0.4815	0.3969	0.547
1003	0.8789	0.7682	0.6411	0.479	2204	0.3015	0.2635	0.2193	0.527
1004	0.5927	0.5132	0.4219	0.483	2401	0.5153	0.4445	0.3626	0.504
1005	9.1304	7.9285	6.5802	0.434	2903	0.7615	0.6665	0.5558	0.513
1006	0.0944	0.0814	0.0662	0.535	2904	0.7901	0.6891	0.5727	0.486
1007	0.3687	0.3199	0.2638	0.463	2905	0.7182	0.6269	0.5202	0.525
1101	0.8843	0.7644	0.6248	0.520	2906	0.4194	0.3688	0.3090	0.509
1102	1.6131	1.4019	1.1618	0.465	2907	0.5891	0.5136	0.4252	0.522
1103	1.4012	1.2201	1.0142	0.462	2908	1.2529	1.1008	0.9273	0.463
1104	0.7176	0.6231	0.5123	0.531	2909	0.4693	0.4089	0.3380	0.530
1105	0.9185	0.7998	0.6642	0.465	3101	0.8243	0.7190	0.5968	0.494
1106	0.3454	0.3053	0.2588	0.491	3102	0.2807	0.2456	0.2045	0.506
1108	0.6626	0.5784	0.4803	0.507	3103	0.5734	0.5017	0.4199	0.470
1109	1.6733	1.4554	1.2057	0.487	3104	0.7205	0.6284	0.5220	0.490
1301	0.6239	0.5336	0.4275	0.545	3105	0.8830	0.7697	0.6371	0.520
1303	0.2524	0.2175	0.1760	0.553	3303	0.5110	0.4425	0.3621	0.533
1304	0.0329	0.0285	0.0233	0.517	3304	0.5685	0.4987	0.4163	0.540
1305	0.5509	0.4794	0.3961	0.513	3309	0.4498	0.3943	0.3305	0.475
1401	0.2476	0.2158	0.1787	0.524	3402	0.5492	0.4800	0.3999	0.487
1404	1.0206	0.8846	0.7255	0.544	3403	0.2265	0.1987	0.1663	0.484
1405	0.9251	0.7904	0.6306	0.575	3404	0.5239	0.4548	0.3735	0.534
1407	0.6178	0.5389	0.4468	0.524	3405	0.3200	0.2782	0.2290	0.530
1501	0.7387	0.6360	0.5159	0.538	3406	0.3255	0.2813	0.2285	0.579

Class	<u>((2010))</u> <u>2011</u>	<u>((2011))</u> <u>2012</u>	<u>((2012))</u> <u>2013</u>	Primary Ratio	Class	<u>((2010))</u> <u>2011</u>	<u>((2011))</u> <u>2012</u>	<u>((2012))</u> <u>2013</u>	Primary Ratio
3407	0.8828	0.7659	0.6314	0.487	4401	0.4711	0.4159	0.3519	0.480
3408	0.2796	0.2388	0.1901	0.592	4402	0.9215	0.7985	0.6542	0.543
3409	0.1881	0.1623	0.1316	0.585	4404	0.5815	0.5104	0.4278	0.496
3410	0.2459	0.2151	0.1787	0.539	4501	0.2277	0.1974	0.1611	0.577
3411	0.5846	0.5090	0.4220	0.479	4502	0.0529	0.0461	0.0381	0.532
3412	0.6684	0.5829	0.4856	0.452	4504	0.1429	0.1240	0.1011	0.580
3414	0.7534	0.6582	0.5489	0.483	4601	0.8930	0.7770	0.6434	0.499
3415	0.8955	0.7919	0.6762	0.410	4801	3.3845	2.9623	2.4892	0.412
3501	1.1805	1.0280	0.8533	0.486	4802	0.3676	0.3230	0.2709	0.511
3503	0.3683	0.3238	0.2711	0.537	4803	0.3600	0.3152	0.2614	0.582
3506	0.9791	0.8437	0.6864	0.504	4804	0.5853	0.5109	0.4227	0.554
3509	0.4605	0.4002	0.3285	0.563	4805	0.3868	0.3372	0.2786	0.546
3510	0.3987	0.3467	0.2854	0.533	4806	0.0783	0.0690	0.0578	0.539
3511	0.6676	0.5866	0.4941	0.459	4808	0.5279	0.4640	0.3902	0.492
3512	0.4281	0.3729	0.3072	0.551	4809	0.3731	0.3278	0.2742	0.536
3513	0.6409	0.5662	0.4800	0.486	4810	0.1764	0.1549	0.1293	0.560
3602	0.1245	0.1086	0.0896	0.533	4811	0.4145	0.3628	0.3010	0.565
3603	0.5720	0.4987	0.4124	0.531	4812	0.4352	0.3804	0.3155	0.537
3604	0.8348	0.7430	0.6371	0.466	4813	0.1988	0.1744	0.1456	0.542
3605	0.6091	0.5271	0.4317	0.513	4814	0.1410	0.1246	0.1051	0.555
3701	0.2807	0.2456	0.2045	0.506	4815	0.3308	0.2921	0.2456	0.577
3702	0.5204	0.4506	0.3683	0.542	4816	0.4881	0.4349	0.3728	0.509
3708	0.7074	0.6121	0.5008	0.526	4900	0.1829	0.1607	0.1358	0.400
3802	0.2476	0.2158	0.1784	0.538	4901	0.0595	0.0519	0.0431	0.482
3808	0.4590	0.4000	0.3326	0.466	4902	0.1452	0.1256	0.1023	0.544
3901	0.1808	0.1584	0.1316	0.561	4903	0.1941	0.1668	0.1342	0.579
3902	0.5212	0.4548	0.3760	0.553	4904	0.0271	0.0236	0.0194	0.561
3903	1.2827	1.1309	0.9545	0.504	4905	0.4623	0.4054	0.3374	0.568
3905	0.1667	0.1459	0.1207	0.573	4906	0.1185	0.1020	0.0825	0.559
3906	0.5308	0.4660	0.3903	0.516	4907	0.0658	0.0575	0.0476	0.540
3909	0.3764	0.3290	0.2730	0.538	4908	0.1133	0.0990	0.0814	0.560
4002	0.5212	0.4548	0.3760	0.553	4909	0.0448	0.0399	0.0337	0.521
4101	0.3745	0.3255	0.2685	0.513	4910	0.5171	0.4501	0.3721	0.514
4103	0.6583	0.5695	0.4647	0.553	4911	0.0771	0.0671	0.0557	0.496
4107	0.1911	0.1667	0.1382	0.518	5001	9.2063	8.1444	6.9919	0.354
4108	0.2216	0.1927	0.1585	0.547	5002	0.7012	0.6050	0.4922	0.532
4109	0.2280	0.1994	0.1661	0.505	5003	2.3002	1.9901	1.6412	0.437
4201	0.7556	0.6523	0.5335	0.488	5004	0.8928	0.7868	0.6665	0.454
4301	0.7981	0.6971	0.5791	0.527	5005	0.8625	0.7535	0.6315	0.436
4302	0.8582	0.7424	0.6061	0.542	5006	1.5030	1.3204	1.1201	0.378
4304	1.0752	0.9476	0.7998	0.497	5101	1.0446	0.9057	0.7459	0.482
4305	1.2702	1.0956	0.8933	0.508	5103	0.9797	0.8538	0.7041	0.548

Class	<u>((2010))</u> <u>2011</u>	<u>((2011))</u> <u>2012</u>	<u>((2012))</u> <u>2013</u>	Primary Ratio	Class	<u>((2010))</u> <u>2011</u>	<u>((2011))</u> <u>2012</u>	<u>((2012))</u> <u>2013</u>	Primary Ratio
5106	0.9797	0.8538	0.7041	0.548	6403	0.1961	0.1717	0.1427	0.552
5108	0.9545	0.8323	0.6883	0.533	6404	0.3222	0.2812	0.2325	0.556
5109	0.6675	0.5741	0.4657	0.516	6405	0.6218	0.5396	0.4439	0.507
5201	0.4263	0.3700	0.3042	0.517	6406	0.1428	0.1243	0.1020	0.579
5204	1.1495	1.0042	0.8389	0.460	6407	0.2824	0.2462	0.2031	0.548
5206	0.4152	0.3632	0.3035	0.470	6408	0.5161	0.4492	0.3712	0.514
5207	0.1744	0.1532	0.1279	0.544	6409	0.7854	0.6839	0.5668	0.487
5208	0.8716	0.7593	0.6283	0.513	6410	0.3613	0.3136	0.2576	0.533
5209	0.7904	0.6900	0.5744	0.477	6501	0.1734	0.1503	0.1230	0.558
5300	0.1451	0.1251	0.1015	0.555	6502	0.0369	0.0322	0.0268	0.532
5301	0.0402	0.0349	0.0286	0.549	6503	0.0814	0.0705	0.0578	0.505
5302	0.0159	0.0139	0.0114	0.502	6504	0.4311	0.3768	0.3113	0.573
5305	0.0655	0.0567	0.0462	0.583	6505	0.1611	0.1405	0.1151	0.608
5306	0.0552	0.0481	0.0395	0.566	6506	0.1419	0.1233	0.1010	0.569
5307	0.8131	0.7029	0.5754	0.506	6509	0.3985	0.3490	0.2896	0.558
5308	0.1171	0.1013	0.0825	0.575	6510	0.4734	0.4132	0.3451	0.451
6103	0.1042	0.0907	0.0742	0.595	6511	0.4639	0.4041	0.3336	0.548
6104	0.4884	0.4238	0.3477	0.542	6512	0.1483	0.1300	0.1089	0.482
6105	0.4421	0.3839	0.3163	0.502	6601	0.2476	0.2158	0.1787	0.524
6107	0.1626	0.1434	0.1198	0.560	6602	0.6297	0.5510	0.4585	0.537
6108	0.4966	0.4335	0.3581	0.557	6603	0.3571	0.3119	0.2592	0.517
6109	0.1192	0.1032	0.0843	0.536	6604	0.0991	0.0862	0.0708	0.559
6110	0.6945	0.6032	0.4963	0.532	6605	0.4294	0.3702	0.2995	0.571
6120	0.3655	0.3141	0.2538	0.546	6607	0.1766	0.1546	0.1289	0.517
6121	0.3981	0.3470	0.2876	0.503	6608	0.6118	0.5316	0.4416	0.414
6201	0.3489	0.3053	0.2549	0.481	6620	3.8112	3.2507	2.5890	0.564
6202	0.7749	0.6751	0.5588	0.511	6704	0.1486	0.1296	0.1073	0.533
6203	0.1322	0.1153	0.0945	0.620	6705	1.0416	0.9069	0.7451	0.582
6204	0.1593	0.1387	0.1141	0.564	6706	0.3466	0.3072	0.2615	0.498
6205	0.2667	0.2335	0.1945	0.526	6707	6.6547	5.7073	4.5437	0.647
6206	0.2671	0.2332	0.1931	0.537	6708	9.7272	8.8162	7.7756	0.442
6207	1.5246	1.3476	1.1420	0.509	6709	0.3042	0.2662	0.2214	0.534
6208	0.3066	0.2686	0.2232	0.561	6801	0.8595	0.7355	0.5888	0.553
6209	0.3343	0.2932	0.2447	0.521	6802	0.6993	0.6055	0.4936	0.571
6301	0.1430	0.1238	0.1018	0.480	6803	0.7953	0.7028	0.6023	0.335
6303	0.0853	0.0742	0.0613	0.524	6804	0.3735	0.3274	0.2729	0.520
6304	0.3566	0.3133	0.2618	0.546	6809	6.0542	5.2755	4.3339	0.562
6305	0.1273	0.1106	0.0906	0.576	6901	0.0246	0.0232	0.0203	0.756
6306	0.3642	0.3169	0.2615	0.513	6902	1.0305	0.9012	0.7566	0.418
6308	0.0760	0.0658	0.0541	0.532	6903	7.1519	6.4089	5.6176	0.311
6309	0.2367	0.2068	0.1715	0.527	6904	0.7155	0.6087	0.4834	0.551
6402	0.3059	0.2664	0.2190	0.565	6905	0.5910	0.5031	0.3984	0.582

Class	((2010)) <u>2011</u>	((2011)) <u>2012</u>	((2012)) <u>2013</u>	Primary Ratio	Class	((2010)) <u>2011</u>	((2011)) <u>2012</u>	((2012)) <u>2013</u>	Primary Ratio
6906	0.2380	0.2210	0.1977	0.658	0105	1.4975	1.2814	1.0764	0.525
6907	1.3592	1.1822	0.9758	0.524	0106	1.9276	1.6567	1.4088	0.460
6908	0.4725	0.4129	0.3438	0.502	0107	1.0190	0.8749	0.7465	0.443
6909	0.1372	0.1196	0.0985	0.547	0108	1.0741	0.9214	0.7843	0.442
7100	0.0367	0.0326	0.0277	0.466	0112	0.8235	0.7072	0.6015	0.453
7101	0.0266	0.0235	0.0198	0.448	0201	1.8328	1.5687	1.3404	0.383
7102	4.9959	4.4570	3.8132	0.547	0202	3.2810	2.8197	2.4070	0.413
7103	0.8151	0.7000	0.5657	0.537	0210	1.0471	0.8987	0.7671	0.414
7104	0.0380	0.0329	0.0268	0.569	0212	1.3417	1.1517	0.9818	0.435
7105	0.0271	0.0237	0.0195	0.531	0214	1.4405	1.2326	1.0466	0.445
7106	0.3215	0.2785	0.2270	0.592	0217	1.4908	1.2811	1.0931	0.433
7107	0.2903	0.2549	0.2129	0.550	0219	1.0575	0.9053	0.7690	0.439
7108	0.2255	0.1979	0.1653	0.547	0301	0.8950	0.7735	0.6598	0.503
7109	0.1713	0.1488	0.1219	0.566	0302	2.3557	2.0149	1.7184	0.403
7110	0.3586	0.3129	0.2610	0.461	0303	1.8164	1.5615	1.3369	0.418
7111	0.4916	0.4281	0.3565	0.441	0306	1.0513	0.8969	0.7590	0.453
7112	0.8536	0.7439	0.6141	0.549	0307	0.9603	0.8228	0.6989	0.452
7113	0.4613	0.4038	0.3363	0.535	0308	0.6468	0.5603	0.4773	0.535
7114	0.7814	0.6797	0.5575	0.587	0403	1.8397	1.5745	1.3304	0.476
7115	0.5837	0.5128	0.4290	0.540	0502	1.4246	1.2202	1.0385	0.425
7116	0.7282	0.6362	0.5296	0.508	0504	1.8659	1.6214	1.3986	0.421
7117	1.3172	1.1518	0.9575	0.516	0507	3.4835	3.0300	2.6149	0.426
7118	1.6973	1.4874	1.2434	0.508	0508	1.7448	1.4898	1.2700	0.393
7119	1.7134	1.4800	1.2066	0.546	0509	1.3139	1.1282	0.9670	0.401
7120	6.9938	6.1112	5.0906	0.496	0510	2.2501	1.9430	1.6644	0.439
7121	6.5478	5.7217	4.7661	0.496	0511	1.6365	1.3992	1.1859	0.460
7122	0.5161	0.4509	0.3738	0.544	0512	1.3027	1.1197	0.9542	0.463
7200	1.7596	1.5100	1.2209	0.522	0513	0.9446	0.8112	0.6922	0.434
7201	2.0650	1.7774	1.4452	0.513	0514	1.8108	1.5485	1.3086	0.488
7202	0.0329	0.0288	0.0240	0.465	0516	1.5724	1.3522	1.1564	0.423
7203	0.1459	0.1294	0.1089	0.575	0517	2.3954	2.0786	1.7940	0.407
7204	0.0000	0.0000	0.0000	0.500	0518	1.3719	1.1753	1.0039	0.410
7205	0.0000	0.0000	0.0000	0.500	0519	1.7400	1.4923	1.2672	0.462
7301	0.4978	0.4360	0.3634	0.513	0521	0.5486	0.4739	0.4062	0.450
7302	1.0741	0.9435	0.7929	0.494	0601	0.5923	0.5062	0.4281	0.478
7307	0.5159	0.4534	0.3814	0.500	0602	0.7197	0.6126	0.5181	0.442
7308	0.4422	0.3859	0.3189	0.559	0603	0.8052	0.6896	0.5877	0.427
7309	0.3352	0.2932	0.2430	0.565	0604	1.2120	1.0495	0.8979	0.492
7400	2.0650	1.7774	1.4452	0.513))	0606	0.6328	0.5417	0.4552	0.543
0101	1.3931	1.1978	1.0287	0.388	0607	0.7928	0.6816	0.5782	0.495
0103	1.6879	1.4600	1.2570	0.409	0608	0.3381	0.2915	0.2489	0.466
0104	1.0741	0.9214	0.7843	0.442	0701	1.7350	1.4804	1.2702	0.348

Class	((2010)) <u>2011</u>	((2011)) <u>2012</u>	((2012)) <u>2013</u>	Primary Ratio	Class	((2010)) <u>2011</u>	((2011)) <u>2012</u>	((2012)) <u>2013</u>	Primary Ratio
<u>0803</u>	<u>0.5748</u>	<u>0.4909</u>	<u>0.4120</u>	<u>0.544</u>	<u>2201</u>	<u>0.2797</u>	<u>0.2422</u>	<u>0.2064</u>	<u>0.538</u>
<u>0901</u>	<u>1.3719</u>	<u>1.1753</u>	<u>1.0039</u>	<u>0.410</u>	<u>2202</u>	<u>0.8117</u>	<u>0.6950</u>	<u>0.5853</u>	<u>0.527</u>
<u>1002</u>	<u>0.9317</u>	<u>0.8019</u>	<u>0.6835</u>	<u>0.468</u>	<u>2203</u>	<u>0.5229</u>	<u>0.4509</u>	<u>0.3814</u>	<u>0.551</u>
<u>1003</u>	<u>0.7974</u>	<u>0.6874</u>	<u>0.5856</u>	<u>0.477</u>	<u>2204</u>	<u>0.2797</u>	<u>0.2422</u>	<u>0.2064</u>	<u>0.538</u>
<u>1004</u>	<u>0.5387</u>	<u>0.4603</u>	<u>0.3879</u>	<u>0.483</u>	<u>2401</u>	<u>0.4664</u>	<u>0.3984</u>	<u>0.3355</u>	<u>0.496</u>
<u>1005</u>	<u>8.7229</u>	<u>7.4569</u>	<u>6.3003</u>	<u>0.436</u>	<u>2903</u>	<u>0.7346</u>	<u>0.6365</u>	<u>0.5436</u>	<u>0.510</u>
<u>1006</u>	<u>0.1081</u>	<u>0.0923</u>	<u>0.0772</u>	<u>0.559</u>	<u>2904</u>	<u>0.7638</u>	<u>0.6567</u>	<u>0.5572</u>	<u>0.500</u>
<u>1007</u>	<u>0.3334</u>	<u>0.2843</u>	<u>0.2402</u>	<u>0.464</u>	<u>2905</u>	<u>0.6561</u>	<u>0.5670</u>	<u>0.4824</u>	<u>0.525</u>
<u>1101</u>	<u>0.8580</u>	<u>0.7324</u>	<u>0.6149</u>	<u>0.525</u>	<u>2906</u>	<u>0.3934</u>	<u>0.3417</u>	<u>0.2930</u>	<u>0.510</u>
<u>1102</u>	<u>1.5113</u>	<u>1.2942</u>	<u>1.0966</u>	<u>0.459</u>	<u>2907</u>	<u>0.5426</u>	<u>0.4671</u>	<u>0.3955</u>	<u>0.537</u>
<u>1103</u>	<u>1.2966</u>	<u>1.1112</u>	<u>0.9420</u>	<u>0.472</u>	<u>2908</u>	<u>1.2100</u>	<u>1.0498</u>	<u>0.9000</u>	<u>0.480</u>
<u>1104</u>	<u>0.6932</u>	<u>0.5959</u>	<u>0.5029</u>	<u>0.538</u>	<u>2909</u>	<u>0.4369</u>	<u>0.3769</u>	<u>0.3196</u>	<u>0.537</u>
<u>1105</u>	<u>0.9133</u>	<u>0.7837</u>	<u>0.6657</u>	<u>0.471</u>	<u>3101</u>	<u>0.8078</u>	<u>0.6940</u>	<u>0.5884</u>	<u>0.504</u>
<u>1106</u>	<u>0.3223</u>	<u>0.2814</u>	<u>0.2427</u>	<u>0.491</u>	<u>3102</u>	<u>0.2706</u>	<u>0.2331</u>	<u>0.1984</u>	<u>0.511</u>
<u>1108</u>	<u>0.6016</u>	<u>0.5194</u>	<u>0.4431</u>	<u>0.501</u>	<u>3103</u>	<u>0.5361</u>	<u>0.4631</u>	<u>0.3951</u>	<u>0.470</u>
<u>1109</u>	<u>1.5223</u>	<u>1.3100</u>	<u>1.1104</u>	<u>0.496</u>	<u>3104</u>	<u>0.6911</u>	<u>0.5945</u>	<u>0.5058</u>	<u>0.486</u>
<u>1301</u>	<u>0.5860</u>	<u>0.4947</u>	<u>0.4090</u>	<u>0.554</u>	<u>3105</u>	<u>0.8113</u>	<u>0.6987</u>	<u>0.5926</u>	<u>0.526</u>
<u>1303</u>	<u>0.2529</u>	<u>0.2151</u>	<u>0.1789</u>	<u>0.569</u>	<u>3303</u>	<u>0.4695</u>	<u>0.4029</u>	<u>0.3397</u>	<u>0.533</u>
<u>1304</u>	<u>0.0304</u>	<u>0.0260</u>	<u>0.0219</u>	<u>0.524</u>	<u>3304</u>	<u>0.5848</u>	<u>0.5074</u>	<u>0.4329</u>	<u>0.550</u>
<u>1305</u>	<u>0.5061</u>	<u>0.4352</u>	<u>0.3694</u>	<u>0.511</u>	<u>3309</u>	<u>0.4393</u>	<u>0.3796</u>	<u>0.3247</u>	<u>0.483</u>
<u>1401</u>	<u>0.2488</u>	<u>0.2186</u>	<u>0.1897</u>	<u>0.448</u>	<u>3402</u>	<u>0.4968</u>	<u>0.4281</u>	<u>0.3644</u>	<u>0.491</u>
<u>1404</u>	<u>0.9300</u>	<u>0.7995</u>	<u>0.6754</u>	<u>0.544</u>	<u>3403</u>	<u>0.2108</u>	<u>0.1821</u>	<u>0.1559</u>	<u>0.486</u>
<u>1405</u>	<u>0.8640</u>	<u>0.7337</u>	<u>0.6082</u>	<u>0.583</u>	<u>3404</u>	<u>0.4867</u>	<u>0.4188</u>	<u>0.3544</u>	<u>0.535</u>
<u>1407</u>	<u>0.6000</u>	<u>0.5175</u>	<u>0.4386</u>	<u>0.532</u>	<u>3405</u>	<u>0.3063</u>	<u>0.2629</u>	<u>0.2218</u>	<u>0.539</u>
<u>1501</u>	<u>0.7037</u>	<u>0.5992</u>	<u>0.5014</u>	<u>0.543</u>	<u>3406</u>	<u>0.3024</u>	<u>0.2598</u>	<u>0.2186</u>	<u>0.589</u>
<u>1507</u>	<u>0.6499</u>	<u>0.5580</u>	<u>0.4717</u>	<u>0.511</u>	<u>3407</u>	<u>0.7693</u>	<u>0.6583</u>	<u>0.5562</u>	<u>0.485</u>
<u>1701</u>	<u>0.7909</u>	<u>0.6785</u>	<u>0.5747</u>	<u>0.467</u>	<u>3408</u>	<u>0.2560</u>	<u>0.2173</u>	<u>0.1796</u>	<u>0.609</u>
<u>1702</u>	<u>1.6510</u>	<u>1.4170</u>	<u>1.2187</u>	<u>0.359</u>	<u>3409</u>	<u>0.1727</u>	<u>0.1481</u>	<u>0.1243</u>	<u>0.600</u>
<u>1703</u>	<u>0.9628</u>	<u>0.8182</u>	<u>0.6942</u>	<u>0.399</u>	<u>3410</u>	<u>0.2194</u>	<u>0.1898</u>	<u>0.1612</u>	<u>0.559</u>
<u>1704</u>	<u>0.7909</u>	<u>0.6785</u>	<u>0.5747</u>	<u>0.467</u>	<u>3411</u>	<u>0.5285</u>	<u>0.4530</u>	<u>0.3834</u>	<u>0.493</u>
<u>1801</u>	<u>0.4733</u>	<u>0.4118</u>	<u>0.3566</u>	<u>0.422</u>	<u>3412</u>	<u>0.6371</u>	<u>0.5467</u>	<u>0.4647</u>	<u>0.458</u>
<u>1802</u>	<u>0.7735</u>	<u>0.6620</u>	<u>0.5574</u>	<u>0.499</u>	<u>3414</u>	<u>0.7526</u>	<u>0.6493</u>	<u>0.5533</u>	<u>0.481</u>
<u>2002</u>	<u>0.9031</u>	<u>0.7796</u>	<u>0.6652</u>	<u>0.485</u>	<u>3415</u>	<u>0.8391</u>	<u>0.7289</u>	<u>0.6300</u>	<u>0.410</u>
<u>2004</u>	<u>0.7312</u>	<u>0.6300</u>	<u>0.5347</u>	<u>0.510</u>	<u>3501</u>	<u>1.1103</u>	<u>0.9554</u>	<u>0.8100</u>	<u>0.489</u>
<u>2007</u>	<u>0.7031</u>	<u>0.6095</u>	<u>0.5213</u>	<u>0.503</u>	<u>3503</u>	<u>0.3495</u>	<u>0.3044</u>	<u>0.2604</u>	<u>0.548</u>
<u>2008</u>	<u>0.3954</u>	<u>0.3419</u>	<u>0.2921</u>	<u>0.494</u>	<u>3506</u>	<u>0.9420</u>	<u>0.7999</u>	<u>0.6694</u>	<u>0.517</u>
<u>2009</u>	<u>0.3730</u>	<u>0.3216</u>	<u>0.2725</u>	<u>0.553</u>	<u>3509</u>	<u>0.4277</u>	<u>0.3682</u>	<u>0.3110</u>	<u>0.574</u>
<u>2101</u>	<u>0.7603</u>	<u>0.6607</u>	<u>0.5660</u>	<u>0.507</u>	<u>3510</u>	<u>0.3797</u>	<u>0.3269</u>	<u>0.2764</u>	<u>0.544</u>
<u>2102</u>	<u>0.7215</u>	<u>0.6186</u>	<u>0.5208</u>	<u>0.536</u>	<u>3511</u>	<u>0.6745</u>	<u>0.5825</u>	<u>0.4964</u>	<u>0.481</u>
<u>2104</u>	<u>0.3452</u>	<u>0.3014</u>	<u>0.2577</u>	<u>0.586</u>	<u>3512</u>	<u>0.4021</u>	<u>0.3467</u>	<u>0.2934</u>	<u>0.561</u>
<u>2105</u>	<u>0.7121</u>	<u>0.6086</u>	<u>0.5101</u>	<u>0.548</u>	<u>3513</u>	<u>0.6352</u>	<u>0.5530</u>	<u>0.4746</u>	<u>0.501</u>
<u>2106</u>	<u>0.5113</u>	<u>0.4435</u>	<u>0.3795</u>	<u>0.506</u>	<u>3602</u>	<u>0.1108</u>	<u>0.0955</u>	<u>0.0810</u>	<u>0.535</u>

Class	((2010)) 2011	((2011)) 2012	((2012)) 2013	Primary Ratio	Class	((2010)) 2011	((2011)) 2012	((2012)) 2013	Primary Ratio
3603	0.5449	0.4712	0.4007	0.531	4812	0.4167	0.3604	0.3066	0.547
3604	0.7785	0.6830	0.5942	0.463	4813	0.1967	0.1711	0.1463	0.551
3605	0.5720	0.4890	0.4112	0.519	4814	0.1485	0.1309	0.1134	0.571
3701	0.2706	0.2331	0.1984	0.511	4815	0.3016	0.2669	0.2318	0.584
3702	0.5053	0.4325	0.3628	0.557	4816	0.4260	0.3771	0.3288	0.523
3708	0.6935	0.5944	0.5016	0.529	4900	0.1785	0.1535	0.1317	0.410
3802	0.2427	0.2092	0.1772	0.548	4901	0.0510	0.0438	0.0371	0.491
3808	0.4378	0.3755	0.3187	0.470	4902	0.1344	0.1150	0.0968	0.549
3901	0.1667	0.1449	0.1237	0.576	4903	0.1829	0.1559	0.1301	0.593
3902	0.4735	0.4086	0.3458	0.571	4904	0.0236	0.0203	0.0172	0.570
3903	1.2155	1.0602	0.9120	0.508	4905	0.4458	0.3882	0.3315	0.580
3905	0.1546	0.1344	0.1145	0.584	4906	0.1170	0.0997	0.0833	0.561
3906	0.5131	0.4451	0.3800	0.533	4907	0.0632	0.0548	0.0466	0.553
3909	0.3497	0.3029	0.2581	0.546	4908	0.1079	0.0934	0.0787	0.567
4002	0.4735	0.4086	0.3458	0.571	4909	0.0424	0.0372	0.0317	0.506
4101	0.3521	0.3024	0.2559	0.515	4910	0.4657	0.4016	0.3414	0.515
4103	0.6008	0.5151	0.4333	0.556	4911	0.0735	0.0632	0.0537	0.497
4107	0.1883	0.1622	0.1376	0.533	5001	8.2784	7.1497	6.1578	0.375
4108	0.1986	0.1712	0.1452	0.549	5002	0.6546	0.5585	0.4678	0.539
4109	0.2129	0.1841	0.1570	0.510	5003	2.1378	1.8171	1.5287	0.454
4201	0.6875	0.5844	0.4913	0.494	5004	0.8447	0.7347	0.6323	0.456
4301	0.7505	0.6483	0.5501	0.544	5005	0.8281	0.7155	0.6119	0.433
4302	0.8446	0.7239	0.6087	0.554	5006	1.4426	1.2430	1.0676	0.380
4304	1.0198	0.8905	0.7664	0.496	5101	1.0385	0.8879	0.7495	0.477
4305	1.2357	1.0480	0.8742	0.519	5103	0.8725	0.7541	0.6402	0.550
4401	0.4538	0.3955	0.3402	0.486	5106	0.8725	0.7541	0.6402	0.550
4402	0.8322	0.7141	0.6022	0.550	5108	0.8763	0.7562	0.6428	0.531
4404	0.5444	0.4720	0.4038	0.495	5109	0.6346	0.5397	0.4518	0.510
4501	0.2060	0.1771	0.1493	0.583	5201	0.3898	0.3338	0.2814	0.525
4502	0.0526	0.0452	0.0383	0.546	5204	1.0906	0.9380	0.7997	0.458
4504	0.1250	0.1079	0.0913	0.583	5206	0.4176	0.3599	0.3071	0.470
4601	0.8373	0.7204	0.6101	0.503	5207	0.1693	0.1470	0.1253	0.557
4801	3.2810	2.8197	2.4070	0.413	5208	0.7792	0.6714	0.5696	0.512
4802	0.3501	0.3041	0.2598	0.533	5209	0.7258	0.6262	0.5351	0.470
4803	0.3574	0.3111	0.2653	0.593	5300	0.1320	0.1125	0.0940	0.579
4804	0.5628	0.4871	0.4142	0.568	5301	0.0359	0.0309	0.0262	0.547
4805	0.3937	0.3403	0.2890	0.557	5302	0.0139	0.0119	0.0101	0.512
4806	0.0805	0.0701	0.0600	0.567	5305	0.0582	0.0501	0.0423	0.591
4808	0.4967	0.4305	0.3677	0.502	5306	0.0497	0.0428	0.0363	0.571
4809	0.3568	0.3101	0.2648	0.544	5307	0.7869	0.6722	0.5659	0.507
4810	0.1789	0.1558	0.1330	0.583	5308	0.1041	0.0893	0.0751	0.578
4811	0.3992	0.3463	0.2945	0.574	6103	0.1001	0.0866	0.0731	0.613

Class	((2010)) <u>2011</u>	((2011)) <u>2012</u>	((2012)) <u>2013</u>	Primary Ratio	Class	((2010)) <u>2011</u>	((2011)) <u>2012</u>	((2012)) <u>2013</u>	Primary Ratio
<u>6104</u>	<u>0.4995</u>	<u>0.4292</u>	<u>0.3624</u>	<u>0.545</u>	<u>6512</u>	<u>0.1302</u>	<u>0.1125</u>	<u>0.0959</u>	<u>0.490</u>
<u>6105</u>	<u>0.4181</u>	<u>0.3583</u>	<u>0.3031</u>	<u>0.509</u>	<u>6601</u>	<u>0.2363</u>	<u>0.2038</u>	<u>0.1725</u>	<u>0.534</u>
<u>6107</u>	<u>0.1499</u>	<u>0.1307</u>	<u>0.1118</u>	<u>0.579</u>	<u>6602</u>	<u>0.6226</u>	<u>0.5404</u>	<u>0.4614</u>	<u>0.539</u>
<u>6108</u>	<u>0.4537</u>	<u>0.3926</u>	<u>0.3336</u>	<u>0.567</u>	<u>6603</u>	<u>0.3275</u>	<u>0.2825</u>	<u>0.2402</u>	<u>0.521</u>
<u>6109</u>	<u>0.1136</u>	<u>0.0971</u>	<u>0.0814</u>	<u>0.551</u>	<u>6604</u>	<u>0.0930</u>	<u>0.0802</u>	<u>0.0678</u>	<u>0.570</u>
<u>6110</u>	<u>0.6411</u>	<u>0.5515</u>	<u>0.4660</u>	<u>0.541</u>	<u>6605</u>	<u>0.3622</u>	<u>0.3094</u>	<u>0.2583</u>	<u>0.569</u>
<u>6120</u>	<u>0.3285</u>	<u>0.2795</u>	<u>0.2331</u>	<u>0.550</u>	<u>6607</u>	<u>0.1627</u>	<u>0.1410</u>	<u>0.1203</u>	<u>0.517</u>
<u>6121</u>	<u>0.3723</u>	<u>0.3204</u>	<u>0.2725</u>	<u>0.499</u>	<u>6608</u>	<u>0.6048</u>	<u>0.5152</u>	<u>0.4376</u>	<u>0.415</u>
<u>6201</u>	<u>0.3307</u>	<u>0.2853</u>	<u>0.2436</u>	<u>0.483</u>	<u>6620</u>	<u>3.5043</u>	<u>2.9596</u>	<u>2.4449</u>	<u>0.578</u>
<u>6202</u>	<u>0.7510</u>	<u>0.6462</u>	<u>0.5470</u>	<u>0.515</u>	<u>6704</u>	<u>0.1355</u>	<u>0.1170</u>	<u>0.0993</u>	<u>0.545</u>
<u>6203</u>	<u>0.1208</u>	<u>0.1050</u>	<u>0.0893</u>	<u>0.632</u>	<u>6705</u>	<u>0.9525</u>	<u>0.8265</u>	<u>0.7026</u>	<u>0.600</u>
<u>6204</u>	<u>0.1531</u>	<u>0.1325</u>	<u>0.1125</u>	<u>0.574</u>	<u>6706</u>	<u>0.3270</u>	<u>0.2866</u>	<u>0.2483</u>	<u>0.502</u>
<u>6205</u>	<u>0.2458</u>	<u>0.2133</u>	<u>0.1821</u>	<u>0.536</u>	<u>6707</u>	<u>6.5041</u>	<u>5.5538</u>	<u>4.6106</u>	<u>0.673</u>
<u>6206</u>	<u>0.2456</u>	<u>0.2123</u>	<u>0.1804</u>	<u>0.550</u>	<u>6708</u>	<u>9.5264</u>	<u>8.5271</u>	<u>7.5376</u>	<u>0.445</u>
<u>6207</u>	<u>1.4669</u>	<u>1.2794</u>	<u>1.0985</u>	<u>0.513</u>	<u>6709</u>	<u>0.2959</u>	<u>0.2564</u>	<u>0.2180</u>	<u>0.544</u>
<u>6208</u>	<u>0.2808</u>	<u>0.2442</u>	<u>0.2082</u>	<u>0.570</u>	<u>6801</u>	<u>0.8035</u>	<u>0.6772</u>	<u>0.5592</u>	<u>0.560</u>
<u>6209</u>	<u>0.3123</u>	<u>0.2720</u>	<u>0.2332</u>	<u>0.519</u>	<u>6802</u>	<u>0.6880</u>	<u>0.5905</u>	<u>0.4969</u>	<u>0.588</u>
<u>6301</u>	<u>0.1376</u>	<u>0.1174</u>	<u>0.0990</u>	<u>0.491</u>	<u>6803</u>	<u>0.7045</u>	<u>0.6070</u>	<u>0.5250</u>	<u>0.341</u>
<u>6303</u>	<u>0.0771</u>	<u>0.0664</u>	<u>0.0564</u>	<u>0.525</u>	<u>6804</u>	<u>0.3344</u>	<u>0.2895</u>	<u>0.2467</u>	<u>0.532</u>
<u>6304</u>	<u>0.3393</u>	<u>0.2946</u>	<u>0.2511</u>	<u>0.563</u>	<u>6809</u>	<u>5.9379</u>	<u>5.1302</u>	<u>4.3260</u>	<u>0.584</u>
<u>6305</u>	<u>0.1149</u>	<u>0.0992</u>	<u>0.0840</u>	<u>0.593</u>	<u>6901</u>	<u>0.0229</u>	<u>0.0215</u>	<u>0.0191</u>	<u>0.743</u>
<u>6306</u>	<u>0.3583</u>	<u>0.3086</u>	<u>0.2621</u>	<u>0.512</u>	<u>6902</u>	<u>0.9811</u>	<u>0.8419</u>	<u>0.7186</u>	<u>0.423</u>
<u>6308</u>	<u>0.0693</u>	<u>0.0593</u>	<u>0.0501</u>	<u>0.530</u>	<u>6903</u>	<u>6.9913</u>	<u>6.1113</u>	<u>5.3667</u>	<u>0.321</u>
<u>6309</u>	<u>0.2174</u>	<u>0.1881</u>	<u>0.1601</u>	<u>0.531</u>	<u>6904</u>	<u>0.8022</u>	<u>0.6765</u>	<u>0.5584</u>	<u>0.543</u>
<u>6402</u>	<u>0.2974</u>	<u>0.2566</u>	<u>0.2171</u>	<u>0.577</u>	<u>6905</u>	<u>0.5755</u>	<u>0.4857</u>	<u>0.4008</u>	<u>0.583</u>
<u>6403</u>	<u>0.1929</u>	<u>0.1668</u>	<u>0.1414</u>	<u>0.574</u>	<u>6906</u>	<u>0.2292</u>	<u>0.2132</u>	<u>0.1948</u>	<u>0.670</u>
<u>6404</u>	<u>0.3087</u>	<u>0.2671</u>	<u>0.2268</u>	<u>0.574</u>	<u>6907</u>	<u>1.2548</u>	<u>1.0808</u>	<u>0.9155</u>	<u>0.534</u>
<u>6405</u>	<u>0.5666</u>	<u>0.4853</u>	<u>0.4096</u>	<u>0.519</u>	<u>6908</u>	<u>0.4317</u>	<u>0.3723</u>	<u>0.3165</u>	<u>0.515</u>
<u>6406</u>	<u>0.1342</u>	<u>0.1159</u>	<u>0.0981</u>	<u>0.591</u>	<u>6909</u>	<u>0.1291</u>	<u>0.1112</u>	<u>0.0940</u>	<u>0.550</u>
<u>6407</u>	<u>0.2677</u>	<u>0.2310</u>	<u>0.1960</u>	<u>0.561</u>	<u>7100</u>	<u>0.0354</u>	<u>0.0309</u>	<u>0.0268</u>	<u>0.467</u>
<u>6408</u>	<u>0.5131</u>	<u>0.4428</u>	<u>0.3769</u>	<u>0.509</u>	<u>7101</u>	<u>0.0261</u>	<u>0.0226</u>	<u>0.0194</u>	<u>0.452</u>
<u>6409</u>	<u>0.7143</u>	<u>0.6142</u>	<u>0.5215</u>	<u>0.491</u>	<u>7102</u>	<u>4.7128</u>	<u>4.1763</u>	<u>3.6384</u>	<u>0.552</u>
<u>6410</u>	<u>0.3318</u>	<u>0.2851</u>	<u>0.2411</u>	<u>0.531</u>	<u>7103</u>	<u>0.8289</u>	<u>0.7038</u>	<u>0.5861</u>	<u>0.540</u>
<u>6501</u>	<u>0.1546</u>	<u>0.1325</u>	<u>0.1113</u>	<u>0.574</u>	<u>7104</u>	<u>0.0351</u>	<u>0.0300</u>	<u>0.0253</u>	<u>0.578</u>
<u>6502</u>	<u>0.0361</u>	<u>0.0313</u>	<u>0.0266</u>	<u>0.535</u>	<u>7105</u>	<u>0.0243</u>	<u>0.0210</u>	<u>0.0178</u>	<u>0.531</u>
<u>6503</u>	<u>0.0774</u>	<u>0.0661</u>	<u>0.0557</u>	<u>0.520</u>	<u>7106</u>	<u>0.3076</u>	<u>0.2641</u>	<u>0.2218</u>	<u>0.609</u>
<u>6504</u>	<u>0.3833</u>	<u>0.3332</u>	<u>0.2841</u>	<u>0.581</u>	<u>7107</u>	<u>0.2817</u>	<u>0.2456</u>	<u>0.2103</u>	<u>0.563</u>
<u>6505</u>	<u>0.1544</u>	<u>0.1337</u>	<u>0.1129</u>	<u>0.627</u>	<u>7108</u>	<u>0.2064</u>	<u>0.1796</u>	<u>0.1534</u>	<u>0.554</u>
<u>6506</u>	<u>0.1354</u>	<u>0.1165</u>	<u>0.0982</u>	<u>0.584</u>	<u>7109</u>	<u>0.1570</u>	<u>0.1353</u>	<u>0.1142</u>	<u>0.579</u>
<u>6509</u>	<u>0.3629</u>	<u>0.3148</u>	<u>0.2679</u>	<u>0.573</u>	<u>7110</u>	<u>0.3487</u>	<u>0.3000</u>	<u>0.2557</u>	<u>0.459</u>
<u>6510</u>	<u>0.4507</u>	<u>0.3881</u>	<u>0.3310</u>	<u>0.442</u>	<u>7111</u>	<u>0.4742</u>	<u>0.4055</u>	<u>0.3438</u>	<u>0.449</u>
<u>6511</u>	<u>0.4110</u>	<u>0.3554</u>	<u>0.3017</u>	<u>0.555</u>	<u>7112</u>	<u>0.8188</u>	<u>0.7066</u>	<u>0.5991</u>	<u>0.563</u>

Class	(2010)	(2011)	(2012)	Primary Ratio	Maximum experience modifications for firms with no compensable accidents: Effective January 1, (2014) 2015		
	2011	2012	2013		Expected Loss Range	Maximum Experience Modification	
<u>7113</u>	<u>0.4457</u>	<u>0.3861</u>	<u>0.3288</u>	<u>0.550</u>			
<u>7114</u>	<u>0.7769</u>	<u>0.6714</u>	<u>0.5675</u>	<u>0.598</u>			
<u>7115</u>	<u>0.5260</u>	<u>0.4584</u>	<u>0.3935</u>	<u>0.544</u>			
<u>7116</u>	<u>0.6772</u>	<u>0.5864</u>	<u>0.4999</u>	<u>0.509</u>			
<u>7117</u>	<u>1.2285</u>	<u>1.0590</u>	<u>0.8977</u>	<u>0.537</u>	(4 - 7,365		0.90
<u>7118</u>	<u>1.6472</u>	<u>1.4278</u>	<u>1.2207</u>	<u>0.501</u>	7,366 - 8,994		0.89
<u>7119</u>	<u>1.6505</u>	<u>1.4088</u>	<u>1.1769</u>	<u>0.562</u>	8,995 - 9,963		0.88
<u>7120</u>	<u>6.6143</u>	<u>5.7082</u>	<u>4.8604</u>	<u>0.500</u>	9,964 - 10,859		0.87
<u>7121</u>	<u>6.1894</u>	<u>5.3424</u>	<u>4.5488</u>	<u>0.501</u>	10,860 - 11,806		0.86
<u>7122</u>	<u>0.4433</u>	<u>0.3837</u>	<u>0.3265</u>	<u>0.540</u>	11,807 - 12,797		0.85
<u>7200</u>	<u>1.7750</u>	<u>1.5073</u>	<u>1.2575</u>	<u>0.521</u>	12,798 - 13,669		0.84
<u>7201</u>	<u>1.9832</u>	<u>1.6867</u>	<u>1.4096</u>	<u>0.521</u>	13,670 - 14,555		0.83
<u>7202</u>	<u>0.0309</u>	<u>0.0267</u>	<u>0.0228</u>	<u>0.490</u>	14,556 - 15,476		0.82
<u>7203</u>	<u>0.1385</u>	<u>0.1220</u>	<u>0.1052</u>	<u>0.587</u>	15,477 - 16,435		0.81
<u>7204</u>	<u>0.0000</u>	<u>0.0000</u>	<u>0.0000</u>	<u>0.500</u>	16,436 - 17,432		0.80
<u>7205</u>	<u>0.0000</u>	<u>0.0000</u>	<u>0.0000</u>	<u>0.500</u>	17,433 - 18,466		0.79
<u>7301</u>	<u>0.4867</u>	<u>0.4216</u>	<u>0.3601</u>	<u>0.518</u>	18,467 - 19,542		0.78
<u>7302</u>	<u>1.0006</u>	<u>0.8704</u>	<u>0.7473</u>	<u>0.484</u>	19,543 - 20,652		0.77
<u>7307</u>	<u>0.4775</u>	<u>0.4158</u>	<u>0.3568</u>	<u>0.504</u>	20,653 - 21,805		0.76
<u>7308</u>	<u>0.3867</u>	<u>0.3352</u>	<u>0.2849</u>	<u>0.563</u>	21,806 - 22,995		0.75
<u>7309</u>	<u>0.3082</u>	<u>0.2677</u>	<u>0.2281</u>	<u>0.576</u>	22,996 - 24,227		0.74
<u>7400</u>	<u>1.9832</u>	<u>1.6867</u>	<u>1.4096</u>	<u>0.521</u>	24,228 - 25,497		0.73
					25,498 - 26,811		0.72
					26,812 - 28,162		0.71
					28,163 - 29,557		0.70
					29,558 - 30,993		0.69
					30,994 - 32,468		0.68
					32,469 - 33,988		0.67
					33,989 - 35,546		0.66
					35,547 - 37,149		0.65
<u>0540</u>	<u>0.0288</u>	<u>0.0247</u>	<u>0.0212</u>	<u>0.417</u>	37,150 - 39,646		0.64
<u>0541</u>	<u>0.0134</u>	<u>0.0116</u>	<u>0.0099</u>	<u>0.419</u>	39,647 - 43,043		0.63
<u>0550</u>	<u>0.0296</u>	<u>0.0254</u>	<u>0.0218</u>	<u>0.425</u>	43,044 - 46,968		0.62
<u>0551</u>	<u>0.0149</u>	<u>0.0128</u>	<u>0.0110</u>	<u>0.411</u>	46,969 - 54,602		0.61
					54,603 and higher		0.60))
					1 = 6,997		0.90
					6,998 = 8,544		0.89
					8,545 = 9,465		0.88
					9,466 = 10,316		0.87
					10,317 = 11,216		0.86
					11,217 = 12,157		0.85
					12,158 = 12,986		0.84
					12,987 = 13,827		0.83

AMENDATORY SECTION (Amending WSR 13-24-073, filed 11/30/13, effective 1/1/14)

WAC 296-17-890 Table IV.

Expected Loss Range	Maximum Experience Modification	Risk Classification	Hazard Group
<u>13,828</u> = <u>14,702</u>	<u>0.82</u>	217	7
<u>14,703</u> = <u>15,613</u>	<u>0.81</u>	219	7
<u>15,614</u> = <u>16,560</u>	<u>0.80</u>	301	4
<u>16,561</u> = <u>17,543</u>	<u>0.79</u>	302	9
<u>17,544</u> = <u>18,565</u>	<u>0.78</u>	303	9
<u>18,566</u> = <u>19,619</u>	<u>0.77</u>	306	8
<u>19,620</u> = <u>20,715</u>	<u>0.76</u>	307	7
<u>20,716</u> = <u>21,845</u>	<u>0.75</u>	308	3
<u>21,846</u> = <u>23,016</u>	<u>0.74</u>	403	6
<u>23,017</u> = <u>24,222</u>	<u>0.73</u>	502	8
<u>24,223</u> = <u>25,470</u>	<u>0.72</u>	504	9
<u>25,471</u> = <u>26,754</u>	<u>0.71</u>	507	8
<u>26,755</u> = <u>28,079</u>	<u>0.70</u>	508	9
<u>28,080</u> = <u>29,443</u>	<u>0.69</u>	509	9
<u>29,444</u> = <u>30,845</u>	<u>0.68</u>	510	7
<u>30,846</u> = <u>32,289</u>	<u>0.67</u>	511	7
<u>32,290</u> = <u>33,769</u>	<u>0.66</u>	512	9
<u>33,770</u> = <u>35,292</u>	<u>0.65</u>	513	6
<u>35,293</u> = <u>37,664</u>	<u>0.64</u>	514	7
<u>37,665</u> = <u>40,891</u>	<u>0.63</u>	516	8
<u>40,892</u> = <u>44,620</u>	<u>0.62</u>	517	9
<u>44,621</u> = <u>51,872</u>	<u>0.61</u>	518	9
<u>51,873</u> and higher	<u>0.60</u>	519	9
		521	7
		540	8
		541	9
		550	9
		551	9
		601	7
		602	7
		603	9
		604	7
		606	4
		607	6
		608	7
		701	9
		803	5
		901	8
		1002	8
		1003	7
		1004	6
		1005	8
		1006	5

AMENDATORY SECTION (Amending WSR 13-24-073, filed 11/30/13, effective 1/1/14)

WAC 296-17-901 Risk classification hazard group table. Effective ((November 19, 2010)) July 1, 2014.

Risk Classification	Hazard Group
101	9
103	8
104	8
105	5
<u>106</u>	<u>9</u>
107	9
108	8
112	7
201	9
202	9
210	8
212	9
214	8

Risk Classification	Hazard Group	Risk Classification	Hazard Group
1007	7	2906	4
1101	5	2907	3
1102	8	2908	7
1103	8	2909	4
1104	3	3101	6
1105	7	3102	6
1106	5	3103	6
1108	5	3104	6
1109	6	3105	5
1301	2	3303	3
1303	3	3304	3
1304	5	3309	6
1305	4	3402	6
1401	9	3403	6
1404	3	3404	5
1405	1	3405	3
1407	4	3406	1
1501	5	3407	6
1507	5	3408	1
1701	7	3409	1
1702	9	3410	2
1703	9	3411	6
1704	7	3412	8
1801	9	3414	6
1802	5	3415	9
2002	6	3501	6
2004	4	3503	3
2007	6	3506	7
2008	6	3509	1
2009	3	3510	2
2101	5	3511	6
2102	3	3512	3
2104	2	3513	8
2105	2	3602	4
2106	4	3603	4
2201	6	3604	7
2202	5	3605	5
2203	2	3701	5
2204	6	3702	3
2401	1	3708	5
2903	4	3802	3
2904	6	3808	7
2905	3	3901	1

Risk Classification	Hazard Group	Risk Classification	Hazard Group
3902	4	4906	2
3903	6	4907	4
3905	1	4908	2
3906	4	4909	3
3909	3	4910	6
4002	7	4911	6
4101	5	5001	9
4103	2	5002	3
4107	6	5003	9
4108	3	5004	8
4109	6	5005	9
4201	6	5006	9
4301	4	5101	4
4302	4	5103	3
4304	6	5106	2
4305	5	5108	3
4401	6	5109	6
4402	2	5201	4
4404	5	5204	8
4501	1	5206	6
4502	5	5207	2
4504	1	5208	4
4601	5	5209	6
4802	7	5300	2
4803	2	5301	3
4804	2	5302	5
4805	2	5305	1
4806	5	5306	1
4808	6	5307	4
4809	3	5308	1
4810	3	6103	1
4811	3	6104	2
4812	2	6105	6
4813	3	6107	1
<u>4814</u>	<u>3</u>	6108	1
<u>4815</u>	<u>3</u>	6109	4
<u>4816</u>	<u>6</u>	6110	5
4900	9	6120	5
4901	6	6121	5
4902	3	6201	7
4903	1	6202	6
4904	3	6203	1
4905	2	6204	2

Risk Classification	Hazard Group	Risk Classification	Hazard Group
6205	4	6708	8
6206	3	6709	2
6207	6	6801	3
6208	2	6802	2
6209	3	6803	9
6301	8	6804	3
6303	5	6809	2
6304	1	6901	1
6305	1	6902	9
6306	4	6903	9
6308	2	6904	1
6309	3	6905	1
6402	1	6906	1
6403	1	6907	4
6404	3	6908	4
6405	5	6909	2
6406	1	7100	7
6407	3	7101	8
6408	4	7102	3
6409	6	7103	4
6410	3	7104	3
6501	1	7105	3
6502	4	7106	3
6503	5	7107	2
6504	1	7108	4
6505	1	7109	4
6506	2	7110	5
6509	2	7111	4
6510	8	7112	4
6511	3	7113	3
6512	6	7114	3
6601	4	7115	3
6602	5	7116	8
6603	4	7117	3
6604	1	7118	7
6605	1	7119	6
6607	4	7120	9
6608	9	7121	9
6620	1	7122	5
6704	2	7200	3
6705	2	7201	5
6706	6	7202	6
6707	1	7203	1

Base Rates Effective January 1, ((2014)) 2015				Base Rates Effective January 1, ((2014)) 2015			
Class	Accident Fund	Stay at Work	Medical Aid Fund	Class	Accident Fund	Stay at Work	Medical Aid Fund
1109	2.1338	0.0430	1.1538	3102	0.3517	0.0070	0.2195
1301	0.8131	0.0164	0.3885	3103	0.7289	0.0147	0.4103
1303	0.3063	0.0061	0.1824	3104	0.9393	0.0189	0.5083
1304	0.0419	0.0008	0.0226	3105	1.0613	0.0212	0.6762
1305	0.6850	0.0138	0.3925	3303	0.6164	0.0124	0.3735
1401	0.2814	0.0056	0.1946	3304	0.6002	0.0119	0.4902
1404	1.1580	0.0232	0.7470	3309	0.5822	0.0117	0.3264
1405	1.0982	0.0221	0.6374	3402	0.7060	0.0142	0.4063
1407	0.6936	0.0138	0.4849	3403	0.2940	0.0059	0.1668
1501	0.9353	0.0189	0.4866	3404	0.6308	0.0126	0.3981
1507	0.8614	0.0173	0.4777	3405	0.3859	0.0077	0.2490
1701	1.1500	0.0232	0.5702	3406	0.3530	0.0070	0.2569
1702	2.9554	0.0605	0.8915	3407	1.1910	0.0241	0.5743
1703	1.7179	0.0353	0.4576	3408	0.3157	0.0063	0.1983
1704	1.1500	0.0232	0.5702	3409	0.1988	0.0040	0.1434
1801	0.6669	0.0134	0.3608	3410	0.2609	0.0052	0.2046
1802	1.1100	0.0223	0.6158	3411	0.7872	0.0159	0.3922
2002	1.1457	0.0230	0.6835	3412	0.9529	0.0193	0.4240
2004	1.0350	0.0208	0.6224	3414	0.9630	0.0194	0.5448
2007	0.8196	0.0164	0.5402	3415	1.2417	0.0251	0.6348
2008	0.5205	0.0104	0.3181	3501	1.4921	0.0300	0.8325
2009	0.4622	0.0092	0.3358	3503	0.3778	0.0074	0.3345
2101	0.9819	0.0195	0.6996	3506	1.3798	0.0280	0.6016
2102	0.9035	0.0181	0.5491	3509	0.4967	0.0099	0.3690
2104	0.3347	0.0065	0.3539	3510	0.4674	0.0093	0.3122
2105	0.8410	0.0169	0.5045	3511	0.8729	0.0175	0.5023
2106	0.6622	0.0132	0.4523	3512	0.4800	0.0095	0.3566
2201	0.3370	0.0067	0.2356	3513	0.7272	0.0144	0.5412
2202	1.0871	0.0219	0.6089	3602	0.1454	0.0029	0.0991
2203	0.6118	0.0122	0.4524	3603	0.6609	0.0132	0.4586
2204	0.3370	0.0067	0.2356	3604	0.9778	0.0194	0.7411
2401	0.6956	0.0141	0.3265	3605	0.7853	0.0158	0.4186
2903	0.8876	0.0177	0.6086	3701	0.3517	0.0070	0.2195
2904	1.0262	0.0207	0.5561	3702	0.6186	0.0124	0.3910
2905	0.8222	0.0164	0.5611	3708	0.8950	0.0180	0.4915
2906	0.5028	0.0100	0.3652	3802	0.2828	0.0056	0.1985
2907	0.7015	0.0140	0.4514	3808	0.6388	0.0129	0.3060
2908	1.6050	0.0322	0.9257	3901	0.1827	0.0036	0.1630
2909	0.5464	0.0109	0.3732	3902	0.5603	0.0111	0.4399
3101	1.0672	0.0215	0.5903	3903	1.4053	0.0278	1.0962

Base Rates Effective January 1, ((2014)) 2015				Base Rates Effective January 1, ((2014)) 2015			
Class	Accident Fund	Stay at Work	Medical Aid Fund	Class	Accident Fund	Stay at Work	Medical Aid Fund
3905	0.1645	0.0032	0.1526	4908	0.1224	0.0024	0.1153
3906	0.5854	0.0116	0.4437	4909	0.0502	0.0010	0.0609
3909	0.4201	0.0083	0.3124	4910	0.6268	0.0126	0.3855
4002	0.5603	0.0111	0.4399	4911	0.0971	0.0020	0.0562
4101	0.4673	0.0094	0.2728	5001	14.1627	0.2880	5.6421
4103	0.7569	0.0151	0.4933	5002	0.8845	0.0178	0.4848
4107	0.2301	0.0046	0.1473	5003	3.5476	0.0725	1.1903
4108	0.2491	0.0050	0.1707	5004	1.1179	0.0224	0.6835
4109	0.2789	0.0056	0.1759	5005	1.1930	0.0241	0.5578
4201	1.0875	0.0221	0.4357	5006	2.3140	0.0471	0.8722
4301	0.8846	0.0176	0.6407	5101	1.4358	0.0291	0.6756
4302	1.0199	0.0204	0.6382	5103	1.0976	0.0218	0.8128
4304	1.1942	0.0237	0.9105	5106	1.0976	0.0218	0.8128
4305	1.7172	0.0348	0.7899	5108	1.1114	0.0222	0.7586
4401	0.5574	0.0111	0.4007	5109	0.9009	0.0182	0.4222
4402	1.0729	0.0215	0.6672	5201	0.5477	0.0110	0.3078
4404	0.6934	0.0138	0.4712	5204	1.5637	0.0316	0.7566
4501	0.2442	0.0048	0.1892	5206	0.5589	0.0113	0.2920
4502	0.0613	0.0012	0.0421	5207	0.1818	0.0036	0.1583
4504	0.1539	0.0030	0.1217	5208	1.0571	0.0212	0.6662
4601	1.1005	0.0221	0.6385	5209	1.0494	0.0211	0.5637
4802	0.4103	0.0081	0.3122	5300	0.1726	0.0035	0.1046
4803	0.3295	0.0064	0.3319	5301	0.0469	0.0009	0.0316
4804	0.6267	0.0124	0.4881	5302	0.0207	0.0004	0.0116
4805	0.4199	0.0083	0.3176	5305	0.0700	0.0014	0.0537
4806	0.0825	0.0016	0.0698	5306	0.0604	0.0012	0.0476
4808	0.6149	0.0122	0.4342	5307	1.0722	0.0217	0.5232
4809	0.3918	0.0077	0.3287	5308	0.1305	0.0026	0.0943
4810	0.1735	0.0034	0.1636	6103	0.1023	0.0020	0.0944
4811	0.4159	0.0082	0.3709	6104	0.5688	0.0114	0.3721
4812	0.4957	0.0099	0.3623	6105	0.5781	0.0117	0.3006
4813	0.2069	0.0041	0.1743	6107	0.1687	0.0033	0.1648
4900	0.2835	0.0058	0.1105	6108	0.5333	0.0105	0.4264
4901	0.0812	0.0016	0.0413	6109	0.1477	0.0030	0.0875
4902	0.1764	0.0035	0.1046	6110	0.8120	0.0162	0.5247
4903	0.2258	0.0045	0.1452	6120	0.4555	0.0092	0.2484
4904	0.0301	0.0006	0.0225	6121	0.5056	0.0102	0.2819
4905	0.4349	0.0085	0.4195	6201	0.4613	0.0093	0.2542
4906	0.1421	0.0029	0.0850	6202	0.9436	0.0189	0.5905
4907	0.0745	0.0015	0.0543	6203	0.1194	0.0023	0.1302

Base Rates Effective January 1, ((2014)) 2015				Base Rates Effective January 1, ((2014)) 2015			
Class	Accident Fund	Stay at Work	Medical Aid Fund	Class	Accident Fund	Stay at Work	Medical Aid Fund
6204	0.1714	0.0034	0.1327	6704	0.1717	0.0034	0.1189
6205	0.3009	0.0060	0.2176	6705	1.0291	0.0202	0.9075
6206	0.3032	0.0060	0.2169	6706	0.3753	0.0074	0.3039
6207	1.5734	0.0310	1.3563	6707	6.2118	0.1220	5.6365
6208	0.3017	0.0059	0.2813	6708	9.3895	0.1812	10.7590
6209	0.3792	0.0075	0.2876	6709	0.3303	0.0065	0.2604
6301	0.2039	0.0041	0.0867	6801	1.1332	0.0229	0.5535
6303	0.1026	0.0021	0.0650	6802	0.7739	0.0154	0.5505
6304	0.3691	0.0073	0.3253	6803	1.3385	0.0274	0.4338
6305	0.1328	0.0026	0.1071	6804	0.4405	0.0088	0.3136
6306	0.4539	0.0091	0.2685	6809	6.6659	0.1314	5.6394
6308	0.0930	0.0019	0.0558	6901	0.0000	0.0000	0.0715
6309	0.2739	0.0055	0.1895	6902	1.5510	0.0316	0.5937
6402	0.3285	0.0065	0.2576	6903	11.2069	0.2276	4.6804
6403	0.1999	0.0039	0.1744	6904	0.9478	0.0192	0.4243
6404	0.3368	0.0067	0.2728	6905	0.7348	0.0148	0.3845
6405	0.8067	0.0163	0.4299	6906	0.0000	0.0000	0.3845
6406	0.1455	0.0029	0.1249	6907	1.6013	0.0320	1.0158
6407	0.3177	0.0063	0.2328	6908	0.5802	0.0116	0.3583
6408	0.6481	0.0130	0.3821	6909	0.1563	0.0031	0.1133
6409	1.0402	0.0210	0.5375	7100	0.0446	0.0009	0.0299
6410	0.4375	0.0088	0.2696	7101	0.0356	0.0007	0.0203
6501	0.1921	0.0038	0.1342	7102	4.1060	0.0784	5.3172
6502	0.0423	0.0008	0.0305	7103	1.0344	0.0209	0.5231
6503	0.1123	0.0023	0.0524	7104	0.0420	0.0008	0.0302
6504	0.4364	0.0086	0.3942	7105	0.0318	0.0006	0.0213
6505	0.1517	0.0030	0.1570	7106	0.3189	0.0063	0.2633
6506	0.1542	0.0031	0.1165	7107	0.2947	0.0058	0.2641
6509	0.4089	0.0080	0.3582	7108	0.2253	0.0044	0.1987
6510	0.6555	0.0133	0.3087	7109	0.1843	0.0037	0.1385
6511	0.4952	0.0098	0.3764	7110	0.4910	0.0099	0.2336
6512	0.1823	0.0037	0.1092	7111	0.7209	0.0146	0.2959
6601	0.2814	0.0056	0.1946	7112	0.9462	0.0188	0.6905
6602	0.6671	0.0132	0.5235	7113	0.4988	0.0099	0.3889
6603	0.4257	0.0085	0.2775	7114	0.7568	0.0149	0.6845
6604	0.1080	0.0021	0.0820	7115	0.6045	0.0119	0.5018
6605	0.4900	0.0098	0.3447	7116	0.8402	0.0168	0.5598
6607	0.1978	0.0039	0.1427	7117	1.5862	0.0317	1.0506
6608	0.9967	0.0204	0.3099	7118	1.9574	0.0390	1.3524
6620	4.8693	0.0985	2.3591	7119	1.9981	0.0401	1.2182

Base Rates Effective January 1, ((2014)) 2015				Base Rates Effective January 1, ((2014)) 2015			
Class	Accident Fund	Stay at Work	Medical Aid Fund	Class	Accident Fund	Stay at Work	Medical Aid Fund
7120	8.6409	0.1733	5.2071	0508	2.9441	0.0603	0.9640
7121	8.0849	0.1621	4.8937	0509	2.1229	0.0433	0.8159
7122	0.5576	0.0110	0.4325	0510	3.2051	0.0647	1.6594
7200	2.3056	0.0467	1.0691	0511	2.4903	0.0506	1.1057
7201	2.7191	0.0551	1.2646	0512	1.8976	0.0384	0.9464
7202	0.0454	0.0009	0.0226	0513	1.4390	0.0292	0.6412
7203	0.1350	0.0026	0.1666	0514	2.6163	0.0529	1.2911
7204	0.0000	0.0000	0.0000	0516	2.4033	0.0488	1.0621
7205	0.0000	0.0000	0.0000	0517	3.4373	0.0694	1.7726
7301	0.5946	0.0119	0.3970	0518	2.2315	0.0455	0.8494
7302	1.2396	0.0247	0.8614	0519	2.5362	0.0514	1.2195
7307	0.5697	0.0113	0.4225	0521	0.7722	0.0156	0.4146
7308	0.4624	0.0091	0.3893	0601	0.8852	0.0179	0.4167
7309	0.3321	0.0065	0.2948	0602	1.1634	0.0238	0.4228
7400	2.7191	0.0551	1.2646))	0603	1.2741	0.0260	0.5107
0101	2.2628	0.0462	0.8624	0604	1.5538	0.0310	1.0203
0103	2.5037	0.0507	1.2118	0606	0.8147	0.0163	0.5185
0104	1.6236	0.0329	0.7356	0607	1.0689	0.0215	0.6068
0105	1.9781	0.0397	1.1869	0608	0.4788	0.0096	0.2648
0106	2.7220	0.0550	1.3746	0701	3.1694	0.0653	0.8103
0107	1.5549	0.0315	0.7131	0803	0.7582	0.0152	0.4516
0108	1.6236	0.0329	0.7356	0901	2.2315	0.0455	0.8494
0112	1.2056	0.0244	0.5843	1002	1.3150	0.0265	0.6946
0201	3.0770	0.0630	1.0598	1003	1.0820	0.0217	0.6246
0202	5.0981	0.1035	2.2613	1004	0.7821	0.0158	0.3836
0210	1.6392	0.0334	0.6860	1005	13.2207	0.2687	5.6977
0212	2.0323	0.0413	0.8929	1006	0.1437	0.0029	0.0928
0214	2.2103	0.0450	0.9392	1007	0.5136	0.0104	0.2158
0217	2.2444	0.0455	1.0137	1101	1.1689	0.0235	0.6392
0219	1.6210	0.0330	0.6914	1102	2.2237	0.0451	1.0244
0301	1.1452	0.0229	0.7505	1103	1.8667	0.0378	0.9136
0302	3.8676	0.0791	1.3741	1104	0.8709	0.0174	0.5984
0303	2.8061	0.0571	1.1802	1105	1.3153	0.0266	0.6630
0306	1.6435	0.0335	0.6706	1106	0.3863	0.0076	0.3103
0307	1.4467	0.0293	0.6662	1108	0.7942	0.0159	0.5065
0308	0.7565	0.0150	0.5875	1109	2.0055	0.0402	1.1964
0403	2.6548	0.0537	1.3059	1301	0.8303	0.0168	0.4023
0502	2.2246	0.0453	0.9065	1303	0.3305	0.0066	0.2002
0504	2.5790	0.0519	1.4626	1304	0.0407	0.0008	0.0234
0507	4.7302	0.0950	2.7841	1305	0.6715	0.0135	0.3988

Base Rates Effective January 1, (2014) 2015				Base Rates Effective January 1, (2014) 2015			
Class	Accident Fund	Stay at Work	Medical Aid Fund	Class	Accident Fund	Stay at Work	Medical Aid Fund
<u>1401</u>	<u>0.2946</u>	<u>0.0058</u>	<u>0.2430</u>	<u>3304</u>	<u>0.6603</u>	<u>0.0130</u>	<u>0.5559</u>
<u>1404</u>	<u>1.1326</u>	<u>0.0226</u>	<u>0.7616</u>	<u>3309</u>	<u>0.5896</u>	<u>0.0118</u>	<u>0.3575</u>
<u>1405</u>	<u>1.1064</u>	<u>0.0222</u>	<u>0.6918</u>	<u>3402</u>	<u>0.6775</u>	<u>0.0136</u>	<u>0.4056</u>
<u>1407</u>	<u>0.7283</u>	<u>0.0145</u>	<u>0.5145</u>	<u>3403</u>	<u>0.2873</u>	<u>0.0058</u>	<u>0.1705</u>
<u>1501</u>	<u>0.9508</u>	<u>0.0192</u>	<u>0.5205</u>	<u>3404</u>	<u>0.6189</u>	<u>0.0123</u>	<u>0.4214</u>
<u>1507</u>	<u>0.8656</u>	<u>0.0174</u>	<u>0.5155</u>	<u>3405</u>	<u>0.3954</u>	<u>0.0079</u>	<u>0.2640</u>
<u>1701</u>	<u>1.1279</u>	<u>0.0228</u>	<u>0.5682</u>	<u>3406</u>	<u>0.3513</u>	<u>0.0069</u>	<u>0.2763</u>
<u>1702</u>	<u>2.8228</u>	<u>0.0579</u>	<u>0.9155</u>	<u>3407</u>	<u>1.1048</u>	<u>0.0223</u>	<u>0.5500</u>
<u>1703</u>	<u>1.6719</u>	<u>0.0344</u>	<u>0.4878</u>	<u>3408</u>	<u>0.3119</u>	<u>0.0062</u>	<u>0.2097</u>
<u>1704</u>	<u>1.1279</u>	<u>0.0228</u>	<u>0.5682</u>	<u>3409</u>	<u>0.1967</u>	<u>0.0039</u>	<u>0.1511</u>
<u>1801</u>	<u>0.6631</u>	<u>0.0133</u>	<u>0.3764</u>	<u>3410</u>	<u>0.2468</u>	<u>0.0049</u>	<u>0.2042</u>
<u>1802</u>	<u>1.0999</u>	<u>0.0221</u>	<u>0.6274</u>	<u>3411</u>	<u>0.7391</u>	<u>0.0149</u>	<u>0.3964</u>
<u>2002</u>	<u>1.2057</u>	<u>0.0242</u>	<u>0.7285</u>	<u>3412</u>	<u>0.9366</u>	<u>0.0190</u>	<u>0.4515</u>
<u>2004</u>	<u>0.9640</u>	<u>0.0193</u>	<u>0.6297</u>	<u>3414</u>	<u>1.0136</u>	<u>0.0203</u>	<u>0.6013</u>
<u>2007</u>	<u>0.8674</u>	<u>0.0173</u>	<u>0.6075</u>	<u>3415</u>	<u>1.2012</u>	<u>0.0242</u>	<u>0.6414</u>
<u>2008</u>	<u>0.5167</u>	<u>0.0103</u>	<u>0.3342</u>	<u>3501</u>	<u>1.4759</u>	<u>0.0296</u>	<u>0.8711</u>
<u>2009</u>	<u>0.4428</u>	<u>0.0088</u>	<u>0.3396</u>	<u>3503</u>	<u>0.3831</u>	<u>0.0075</u>	<u>0.3563</u>
<u>2101</u>	<u>0.9078</u>	<u>0.0180</u>	<u>0.6913</u>	<u>3506</u>	<u>1.3852</u>	<u>0.0281</u>	<u>0.6443</u>
<u>2102</u>	<u>0.9263</u>	<u>0.0185</u>	<u>0.5840</u>	<u>3509</u>	<u>0.4985</u>	<u>0.0099</u>	<u>0.3833</u>
<u>2104</u>	<u>0.3433</u>	<u>0.0066</u>	<u>0.3845</u>	<u>3510</u>	<u>0.4670</u>	<u>0.0093</u>	<u>0.3387</u>
<u>2105</u>	<u>0.9235</u>	<u>0.0185</u>	<u>0.5732</u>	<u>3511</u>	<u>0.9030</u>	<u>0.0181</u>	<u>0.5603</u>
<u>2106</u>	<u>0.6410</u>	<u>0.0127</u>	<u>0.4664</u>	<u>3512</u>	<u>0.4823</u>	<u>0.0095</u>	<u>0.3806</u>
<u>2201</u>	<u>0.3292</u>	<u>0.0065</u>	<u>0.2469</u>	<u>3513</u>	<u>0.7568</u>	<u>0.0150</u>	<u>0.5953</u>
<u>2202</u>	<u>1.0789</u>	<u>0.0217</u>	<u>0.6346</u>	<u>3602</u>	<u>0.1385</u>	<u>0.0028</u>	<u>0.0992</u>
<u>2203</u>	<u>0.6243</u>	<u>0.0124</u>	<u>0.4761</u>	<u>3603</u>	<u>0.6622</u>	<u>0.0131</u>	<u>0.5016</u>
<u>2204</u>	<u>0.3292</u>	<u>0.0065</u>	<u>0.2469</u>	<u>3604</u>	<u>0.9519</u>	<u>0.0188</u>	<u>0.7506</u>
<u>2401</u>	<u>0.6640</u>	<u>0.0134</u>	<u>0.3368</u>	<u>3605</u>	<u>0.7810</u>	<u>0.0157</u>	<u>0.4412</u>
<u>2903</u>	<u>0.9084</u>	<u>0.0180</u>	<u>0.6573</u>	<u>3701</u>	<u>0.3603</u>	<u>0.0072</u>	<u>0.2289</u>
<u>2904</u>	<u>1.0251</u>	<u>0.0206</u>	<u>0.5953</u>	<u>3702</u>	<u>0.6358</u>	<u>0.0127</u>	<u>0.4297</u>
<u>2905</u>	<u>0.8047</u>	<u>0.0160</u>	<u>0.5723</u>	<u>3708</u>	<u>0.9219</u>	<u>0.0185</u>	<u>0.5557</u>
<u>2906</u>	<u>0.4954</u>	<u>0.0098</u>	<u>0.3819</u>	<u>3802</u>	<u>0.2961</u>	<u>0.0059</u>	<u>0.2150</u>
<u>2907</u>	<u>0.6804</u>	<u>0.0136</u>	<u>0.4657</u>	<u>3808</u>	<u>0.6351</u>	<u>0.0128</u>	<u>0.3195</u>
<u>2908</u>	<u>1.5807</u>	<u>0.0315</u>	<u>1.0780</u>	<u>3901</u>	<u>0.1776</u>	<u>0.0035</u>	<u>0.1718</u>
<u>2909</u>	<u>0.5391</u>	<u>0.0107</u>	<u>0.3967</u>	<u>3902</u>	<u>0.5466</u>	<u>0.0108</u>	<u>0.4476</u>
<u>3101</u>	<u>1.0975</u>	<u>0.0220</u>	<u>0.6456</u>	<u>3903</u>	<u>1.4043</u>	<u>0.0277</u>	<u>1.1553</u>
<u>3102</u>	<u>0.3603</u>	<u>0.0072</u>	<u>0.2289</u>	<u>3905</u>	<u>0.1627</u>	<u>0.0032</u>	<u>0.1621</u>
<u>3103</u>	<u>0.7156</u>	<u>0.0144</u>	<u>0.4247</u>	<u>3906</u>	<u>0.5935</u>	<u>0.0117</u>	<u>0.4785</u>
<u>3104</u>	<u>0.9603</u>	<u>0.0193</u>	<u>0.5347</u>	<u>3909</u>	<u>0.4119</u>	<u>0.0081</u>	<u>0.3309</u>
<u>3105</u>	<u>1.0373</u>	<u>0.0207</u>	<u>0.6918</u>	<u>4002</u>	<u>0.5466</u>	<u>0.0108</u>	<u>0.4476</u>
<u>3303</u>	<u>0.6044</u>	<u>0.0121</u>	<u>0.3864</u>	<u>4101</u>	<u>0.4683</u>	<u>0.0094</u>	<u>0.2844</u>

Base Rates Effective January 1, (2014) 2015				Base Rates Effective January 1, (2014) 2015			
Class	Accident Fund	Stay at Work	Medical Aid Fund	Class	Accident Fund	Stay at Work	Medical Aid Fund
<u>4103</u>	<u>0.7507</u>	<u>0.0150</u>	<u>0.5086</u>	<u>4909</u>	<u>0.0505</u>	<u>0.0010</u>	<u>0.0617</u>
<u>4107</u>	<u>0.2369</u>	<u>0.0047</u>	<u>0.1622</u>	<u>4910</u>	<u>0.5976</u>	<u>0.0119</u>	<u>0.3935</u>
<u>4108</u>	<u>0.2386</u>	<u>0.0047</u>	<u>0.1719</u>	<u>4911</u>	<u>0.0984</u>	<u>0.0020</u>	<u>0.0596</u>
<u>4109</u>	<u>0.2732</u>	<u>0.0054</u>	<u>0.1847</u>	<u>5001</u>	<u>12.9236</u>	<u>0.2630</u>	<u>5.4045</u>
<u>4201</u>	<u>1.0392</u>	<u>0.0211</u>	<u>0.4433</u>	<u>5002</u>	<u>0.8795</u>	<u>0.0177</u>	<u>0.5102</u>
<u>4301</u>	<u>0.8850</u>	<u>0.0175</u>	<u>0.6781</u>	<u>5003</u>	<u>3.3500</u>	<u>0.0684</u>	<u>1.2620</u>
<u>4302</u>	<u>1.0573</u>	<u>0.0211</u>	<u>0.7134</u>	<u>5004</u>	<u>1.0897</u>	<u>0.0218</u>	<u>0.7148</u>
<u>4304</u>	<u>1.1896</u>	<u>0.0234</u>	<u>0.9835</u>	<u>5005</u>	<u>1.1604</u>	<u>0.0234</u>	<u>0.6156</u>
<u>4305</u>	<u>1.7921</u>	<u>0.0363</u>	<u>0.8241</u>	<u>5006</u>	<u>2.2725</u>	<u>0.0463</u>	<u>0.9102</u>
<u>4401</u>	<u>0.5592</u>	<u>0.0111</u>	<u>0.4289</u>	<u>5101</u>	<u>1.5167</u>	<u>0.0307</u>	<u>0.7411</u>
<u>4402</u>	<u>1.0408</u>	<u>0.0208</u>	<u>0.6795</u>	<u>5103</u>	<u>1.0407</u>	<u>0.0206</u>	<u>0.8283</u>
<u>4404</u>	<u>0.6913</u>	<u>0.0138</u>	<u>0.4886</u>	<u>5106</u>	<u>1.0407</u>	<u>0.0206</u>	<u>0.8283</u>
<u>4501</u>	<u>0.2386</u>	<u>0.0047</u>	<u>0.1880</u>	<u>5108</u>	<u>1.0935</u>	<u>0.0218</u>	<u>0.7653</u>
<u>4502</u>	<u>0.0651</u>	<u>0.0013</u>	<u>0.0464</u>	<u>5109</u>	<u>0.9196</u>	<u>0.0186</u>	<u>0.4477</u>
<u>4504</u>	<u>0.1437</u>	<u>0.0028</u>	<u>0.1257</u>	<u>5201</u>	<u>0.5323</u>	<u>0.0107</u>	<u>0.3151</u>
<u>4601</u>	<u>1.0898</u>	<u>0.0218</u>	<u>0.6668</u>	<u>5204</u>	<u>1.5636</u>	<u>0.0316</u>	<u>0.7754</u>
<u>4801</u>	<u>5.0981</u>	<u>0.1035</u>	<u>2.2613</u>	<u>5206</u>	<u>0.5887</u>	<u>0.0119</u>	<u>0.3258</u>
<u>4802</u>	<u>0.4059</u>	<u>0.0080</u>	<u>0.3376</u>	<u>5207</u>	<u>0.1891</u>	<u>0.0037</u>	<u>0.1703</u>
<u>4803</u>	<u>0.3533</u>	<u>0.0068</u>	<u>0.3749</u>	<u>5208</u>	<u>1.0131</u>	<u>0.0202</u>	<u>0.6683</u>
<u>4804</u>	<u>0.6342</u>	<u>0.0125</u>	<u>0.5286</u>	<u>5209</u>	<u>1.0138</u>	<u>0.0204</u>	<u>0.5774</u>
<u>4805</u>	<u>0.4533</u>	<u>0.0090</u>	<u>0.3639</u>	<u>5300</u>	<u>0.1654</u>	<u>0.0033</u>	<u>0.1084</u>
<u>4806</u>	<u>0.0880</u>	<u>0.0017</u>	<u>0.0856</u>	<u>5301</u>	<u>0.0442</u>	<u>0.0009</u>	<u>0.0326</u>
<u>4808</u>	<u>0.6165</u>	<u>0.0123</u>	<u>0.4426</u>	<u>5302</u>	<u>0.0188</u>	<u>0.0004</u>	<u>0.0114</u>
<u>4809</u>	<u>0.4032</u>	<u>0.0079</u>	<u>0.3495</u>	<u>5305</u>	<u>0.0669</u>	<u>0.0013</u>	<u>0.0543</u>
<u>4810</u>	<u>0.1856</u>	<u>0.0036</u>	<u>0.1891</u>	<u>5306</u>	<u>0.0592</u>	<u>0.0012</u>	<u>0.0475</u>
<u>4811</u>	<u>0.4337</u>	<u>0.0085</u>	<u>0.4027</u>	<u>5307</u>	<u>1.1000</u>	<u>0.0222</u>	<u>0.5640</u>
<u>4812</u>	<u>0.5040</u>	<u>0.0100</u>	<u>0.3996</u>	<u>5308</u>	<u>0.1259</u>	<u>0.0025</u>	<u>0.0934</u>
<u>4813</u>	<u>0.2172</u>	<u>0.0043</u>	<u>0.1975</u>	<u>6103</u>	<u>0.1055</u>	<u>0.0021</u>	<u>0.1042</u>
<u>4814</u>	<u>0.1355</u>	<u>0.0026</u>	<u>0.1746</u>	<u>6104</u>	<u>0.6282</u>	<u>0.0125</u>	<u>0.4229</u>
<u>4815</u>	<u>0.2513</u>	<u>0.0047</u>	<u>0.3633</u>	<u>6105</u>	<u>0.5763</u>	<u>0.0116</u>	<u>0.3201</u>
<u>4816</u>	<u>0.4046</u>	<u>0.0077</u>	<u>0.4859</u>	<u>6107</u>	<u>0.1637</u>	<u>0.0032</u>	<u>0.1753</u>
<u>4900</u>	<u>0.2798</u>	<u>0.0057</u>	<u>0.1191</u>	<u>6108</u>	<u>0.5213</u>	<u>0.0103</u>	<u>0.4438</u>
<u>4901</u>	<u>0.0725</u>	<u>0.0015</u>	<u>0.0398</u>	<u>6109</u>	<u>0.1488</u>	<u>0.0030</u>	<u>0.0936</u>
<u>4902</u>	<u>0.1744</u>	<u>0.0035</u>	<u>0.1098</u>	<u>6110</u>	<u>0.7956</u>	<u>0.0158</u>	<u>0.5493</u>
<u>4903</u>	<u>0.2279</u>	<u>0.0045</u>	<u>0.1565</u>	<u>6120</u>	<u>0.4437</u>	<u>0.0089</u>	<u>0.2513</u>
<u>4904</u>	<u>0.0281</u>	<u>0.0006</u>	<u>0.0223</u>	<u>6121</u>	<u>0.5044</u>	<u>0.0101</u>	<u>0.2901</u>
<u>4905</u>	<u>0.4512</u>	<u>0.0088</u>	<u>0.4580</u>	<u>6201</u>	<u>0.4565</u>	<u>0.0092</u>	<u>0.2678</u>
<u>4906</u>	<u>0.1523</u>	<u>0.0031</u>	<u>0.0938</u>	<u>6202</u>	<u>0.9757</u>	<u>0.0195</u>	<u>0.6276</u>
<u>4907</u>	<u>0.0743</u>	<u>0.0015</u>	<u>0.0603</u>	<u>6203</u>	<u>0.1184</u>	<u>0.0023</u>	<u>0.1400</u>
<u>4908</u>	<u>0.1241</u>	<u>0.0024</u>	<u>0.1229</u>	<u>6204</u>	<u>0.1735</u>	<u>0.0034</u>	<u>0.1473</u>

Base Rates Effective January 1, (2014) 2015				Base Rates Effective January 1, (2014) 2015			
Class	Accident Fund	Stay at Work	Medical Aid Fund	Class	Accident Fund	Stay at Work	Medical Aid Fund
6205	0.2873	0.0057	0.2325	6705	0.9766	0.0190	0.9819
6206	0.2925	0.0058	0.2265	6706	0.3715	0.0073	0.3198
6207	1.6454	0.0324	1.3975	6707	6.6526	0.1299	6.2633
6208	0.2952	0.0057	0.2935	6708	9.4976	0.1813	11.5682
6209	0.3637	0.0071	0.3124	6709	0.3435	0.0068	0.2835
6301	0.2029	0.0041	0.0954	6801	1.1591	0.0235	0.5427
6303	0.0997	0.0020	0.0657	6802	0.8111	0.0161	0.6123
6304	0.3763	0.0074	0.3466	6803	1.2019	0.0246	0.4038
6305	0.1260	0.0025	0.1132	6804	0.4159	0.0082	0.3187
6306	0.4670	0.0093	0.2993	6809	6.8681	0.1339	6.6279
6308	0.0918	0.0018	0.0562	6901	0.0000	0.0000	0.0754
6309	0.2638	0.0052	0.1983	6902	1.5109	0.0308	0.6240
6402	0.3410	0.0067	0.2837	6903	10.9650	0.2227	4.8514
6403	0.2128	0.0042	0.1884	6904	1.1555	0.0234	0.5286
6404	0.3394	0.0067	0.2946	6905	0.7922	0.0160	0.4213
6405	0.7664	0.0154	0.4449	6906	0.0000	0.0000	0.4213
6406	0.1482	0.0029	0.1333	6907	1.5487	0.0309	1.0640
6407	0.3163	0.0062	0.2526	6908	0.5551	0.0111	0.3644
6408	0.6668	0.0133	0.4426	6909	0.1604	0.0032	0.1181
6409	0.9829	0.0198	0.5572	7100	0.0447	0.0009	0.0315
6410	0.4309	0.0086	0.2723	7101	0.0366	0.0007	0.0215
6501	0.1853	0.0037	0.1321	7102	4.1446	0.0783	5.6040
6502	0.0432	0.0009	0.0338	7103	1.1370	0.0230	0.5851
6503	0.1110	0.0022	0.0593	7104	0.0416	0.0008	0.0312
6504	0.4105	0.0080	0.4065	7105	0.0304	0.0006	0.0211
6505	0.1575	0.0030	0.1728	7106	0.3353	0.0066	0.2801
6506	0.1583	0.0031	0.1270	7107	0.3014	0.0059	0.3024
6509	0.3997	0.0078	0.3699	7108	0.2237	0.0044	0.2024
6510	0.6509	0.0132	0.3225	7109	0.1816	0.0036	0.1457
6511	0.4681	0.0092	0.3791	7110	0.4979	0.0101	0.2530
6512	0.1703	0.0034	0.1037	7111	0.7250	0.0147	0.3102
6601	0.2867	0.0057	0.2052	7112	0.9645	0.0191	0.7578
6602	0.7037	0.0139	0.5794	7113	0.5112	0.0101	0.4217
6603	0.4179	0.0083	0.2807	7114	0.8214	0.0160	0.7673
6604	0.1087	0.0021	0.0859	7115	0.5794	0.0114	0.5143
6605	0.4559	0.0091	0.3185	7116	0.8254	0.0164	0.5864
6607	0.1944	0.0039	0.1478	7117	1.5454	0.0307	1.1192
6608	1.0171	0.0208	0.3456	7118	2.0485	0.0408	1.4411
6620	4.8074	0.0970	2.5272	7119	2.0635	0.0413	1.3040
6704	0.1652	0.0033	0.1240	7120	8.6034	0.1721	5.4858

**Base Rates Effective
January 1, ((2014)) 2015**

Class	Accident Fund	Stay at Work	Medical Aid Fund
7121	8.0426	0.1608	5.1718
7122	0.5197	0.0103	0.4073
7200	2.4964	0.0506	1.1994
7201	2.7494	0.0556	1.3670
7202	0.0426	0.0009	0.0247
7203	0.1353	0.0026	0.1855
7204	0.0000	0.0000	0.0000
7205	0.0000	0.0000	0.0000
7301	0.6041	0.0120	0.4434
7302	1.2276	0.0244	0.8887
7307	0.5531	0.0109	0.4390
7308	0.4327	0.0085	0.3908
7309	0.3265	0.0064	0.3094
7400	2.7494	0.0556	1.3670

AMENDATORY SECTION (Amending WSR 13-24-073, filed 11/30/13, effective 1/1/14)

WAC 296-17-89502 Industrial insurance accident fund, stay at work, medical aid and supplemental pension rates by class of industry for nonhourly rated classifications. The base rates as set forth below are for classifications whose premium rates are based on units other than hours worked.

Base Rates Effective January 1, ((2014)) 2015				
Class	Accident Fund	Stay at Work	Medical Aid Fund	Supplemental Pension Fund
((0540	0.0410	0.0008	0.0180	0.0007
0541	0.0198	0.0004	0.0078	0.0007
0550	0.0406	0.0008	0.0170	0.0007
0551	0.0232	0.0005	0.0086	0.0007))
0540	0.0438	0.0009	0.0193	0.0007
0541	0.0205	0.0004	0.0089	0.0007
0550	0.0442	0.0009	0.0198	0.0007
0551	0.0232	0.0005	0.0094	0.0007

AMENDATORY SECTION (Amending WSR 13-24-073, filed 11/30/13, effective 1/1/14)

WAC 296-17-89507 Horse racing rates. Horse racing industry industrial insurance accident fund, stay at work fund, medical aid fund, supplemental pension fund and composite rate by class.

Base Rates Effective January 1, 2015

Class	Accident Fund	Stay at Work	Medical Aid Fund	Supplemental Pension Fund
0540	0.0438	0.0009	0.0193	0.0007
0541	0.0205	0.0004	0.0089	0.0007
0550	0.0442	0.0009	0.0198	0.0007
0551	0.0232	0.0005	0.0094	0.0007

Base Rates Effective January 1, ((2014)) 2015

Class	Accident Fund	Stay at Work Fund	Medical Aid Fund	Supplemental Pension Fund	Composite Rate
((6618*	80	2	67	1	150
6625**	78.26	1.72	63.86	0.16	144.00
6626***	0.7200	0.0123	0.6605	0.0072	1.40
6627****	9.4300	0.1840	8.6720	0.0940	18.38))
6618	80.00*	2.00*	67.00*	1.00*	150.00*
6625	73.90**	1.66**	68.84**	0.94**	153.44**
6626	0.7001***	0.0163***	0.7732***	0.0904***	1.5800***
6627	8.8981****	0.2008****	8.8131****	0.6780****	18.5900****

*This rate is calculated on a percentage of ownership in a horse or horses.

**This rate is calculated per month.

***This rate is calculated per horse per day.

****This rate is calculated per day.

Note: These rates are not subject to experience rating or retrospective rating.

AMENDATORY SECTION (Amending WSR 13-24-073, filed 11/30/13, effective 1/1/14)

WAC 296-17-920 Assessment for supplemental pension fund. The amount of ~~((45.5))~~ 45.2 mils ~~(((\$0.0455))~~ (\$0.0452) shall be retained by each employer from the earnings of each worker for each hour or fraction thereof of the worker is employed. The amount of money so retained from the employee shall be matched in an equal amount by each employer, except as otherwise provided in these rules, all such moneys shall be remitted to the department on or before the last day of January, April, July, and October of each year for the preceding calendar quarter, provided self-insured employers shall remit to the department as provided under WAC 296-15-229. All such moneys shall be deposited in the supplemental pension fund.

For the purpose of partially funding the Logger Safety initiative, the 45.2 mils (\$0.0452) will be increased by 2.0 mils (\$0.0020) to 47.2 mils (\$0.0472) per hour for each employer and worker for work reported in the forest products risk classifications: 1002, 1003, 1004, 1005, 2401, 2903, 2904, 2907, 2909, 5001, 5002, 5003, 5004, 5005, 5006, and 6902. Each of these risk classifications are defined under chapter 296-17A WAC and incorporated here by this reference. (See section 217(6), chapter 4, Laws of 2013 2nd sess.)

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-17-89505 2007 Rate holiday dividend.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-17-89506 Farm internship program industrial insurance, accident fund, stay at work fund, medical aid fund, and supplemental pension by class.

AMENDATORY SECTION (Amending WSR 13-24-073, filed 11/30/13, effective 1/1/14)

WAC 296-17B-540 Determining loss incurred for each claim. (1) Calculating the initial loss incurred:

For each of your claims, we will multiply the case incurred loss by the appropriate discounted loss development factors to determine the initial loss incurred.

If you have a fatality, we will use ~~((two hundred seventy-eight thousand six hundred))~~ two hundred ninety-four thousand dollars as the claim's initial incurred loss for the claim, with ~~((two hundred forty-nine thousand one hundred))~~ two hundred sixty-six thousand three hundred dollars for accident fund incurred loss and ~~((twenty-nine thousand five hundred))~~ twenty-seven thousand seven hundred dollars for the medical aid incurred loss, regardless of the case incurred loss, and before recovery factors if applicable.

(2) Applying the single loss occurrence limit:

The initial loss incurred for a claim will be the amount we use as the loss incurred unless the single loss occurrence limit applies.

The single loss occurrence limit applies when the sum of all initial losses incurred for your claims arising out of a single event is greater than your selected single loss occurrence limit. In that case, each claim's initial loss incurred will be its proportionate share of your single loss occurrence limit.

(3) Applying the expected loss ratio factors:

The preliminary loss incurred for a claim will be the amount of the initial loss incurred, after application of the single loss limit, multiplied by the appropriate expected loss ratio factor. The accident fund and medical aid fund portions of each claim will have separate expected loss ratio factors applied.

AMENDATORY SECTION (Amending WSR 13-24-073, filed 11/30/13, effective 1/1/14)

WAC 296-17B-900 Retrospective rating plans standard premium size ranges.

RETROSPECTIVE RATING STANDARD PREMIUM SIZE RANGES

Effective January 1, ~~((2014))~~ 2015

Size Group Number	Standard Premium Range	
	From:	To:
1	5,900	6,899
2	6,900	7,809
3	7,810	8,779
4	8,780	9,839
5	9,840	10,969
6	10,970	12,169
7	12,170	13,459
8	13,460	14,829
9	14,830	16,279
10	16,280	17,809
11	17,810	19,439
12	19,440	21,179
13	21,180	23,009
14	23,010	24,959
15	24,960	27,009
16	27,010	29,199
17	29,200	31,499
18	31,500	33,949
19	33,950	36,529
20	36,530	39,269
21	39,270	42,189
22	42,190	45,289
23	45,290	48,559
24	48,560	52,059

Size Group Number	Standard Premium Range		Size Group Number	Standard Premium Range	
	From:	To:		From:	To:
25	52,060	55,759	67	1,814,000	2,178,999
26	55,760	59,699	68	2,179,000	2,687,999
27	59,700	63,899	69	2,688,000	3,438,999
28	63,900	68,369	70	3,439,000	4,677,999
29	68,370	73,129	71	4,678,000	7,009,999
30	73,130	78,209	72	7,010,000	12,829,999
31	78,210	83,659	73	12,830,000	32,829,999
32	83,660	89,479	74	32,830,000	and over))
33	89,480	95,729	<u>1</u>	<u>6.030</u>	<u>7.049</u>
34	95,730	102,399	<u>2</u>	<u>7.050</u>	<u>7.979</u>
35	102,400	109,599	<u>3</u>	<u>7.980</u>	<u>8.979</u>
36	109,600	117,399	<u>4</u>	<u>8.980</u>	<u>10.059</u>
37	117,400	125,899	<u>5</u>	<u>10.060</u>	<u>11.209</u>
38	125,900	134,799	<u>6</u>	<u>11.210</u>	<u>12.439</u>
39	134,800	144,699	<u>7</u>	<u>12.440</u>	<u>13.759</u>
40	144,700	155,099	<u>8</u>	<u>13.760</u>	<u>15.159</u>
41	155,100	166,399	<u>9</u>	<u>15.160</u>	<u>16.639</u>
42	166,400	178,599	<u>10</u>	<u>16.640</u>	<u>18.209</u>
43	178,600	191,599	<u>11</u>	<u>18.210</u>	<u>19.869</u>
44	191,600	205,999	<u>12</u>	<u>19.870</u>	<u>21.649</u>
45	206,000	221,299	<u>13</u>	<u>21.650</u>	<u>23.519</u>
46	221,300	237,999	<u>14</u>	<u>23.520</u>	<u>25.519</u>
47	238,000	256,199	<u>15</u>	<u>25.520</u>	<u>27.609</u>
48	256,200	276,199	<u>16</u>	<u>27.610</u>	<u>29.849</u>
49	276,200	297,999	<u>17</u>	<u>29.850</u>	<u>32.199</u>
50	298,000	321,899	<u>18</u>	<u>32.200</u>	<u>34.709</u>
51	321,900	348,299	<u>19</u>	<u>34.710</u>	<u>37.339</u>
52	348,300	377,799	<u>20</u>	<u>37.340</u>	<u>40.139</u>
53	377,800	410,599	<u>21</u>	<u>40.140</u>	<u>43.129</u>
54	410,600	447,099	<u>22</u>	<u>43.130</u>	<u>46.299</u>
55	447,100	488,199	<u>23</u>	<u>46.300</u>	<u>49.639</u>
56	488,200	534,999	<u>24</u>	<u>49.640</u>	<u>53.219</u>
57	535,000	587,899	<u>25</u>	<u>53.220</u>	<u>56.999</u>
58	587,900	648,899	<u>26</u>	<u>57.000</u>	<u>61.029</u>
59	648,900	719,199	<u>27</u>	<u>61.030</u>	<u>65.319</u>
60	719,200	801,199	<u>28</u>	<u>65.320</u>	<u>69.889</u>
61	801,200	897,699	<u>29</u>	<u>69.890</u>	<u>74.759</u>
62	897,700	1,012,999	<u>30</u>	<u>74.760</u>	<u>79.949</u>
63	1,013,000	1,151,999	<u>31</u>	<u>79.950</u>	<u>85.519</u>
64	1,152,000	1,322,999	<u>32</u>	<u>85.520</u>	<u>91.469</u>
65	1,323,000	1,536,999	<u>33</u>	<u>91.470</u>	<u>97.859</u>
66	1,537,000	1,813,999	<u>34</u>	<u>97.860</u>	<u>104.699</u>

Size Group Number	Standard Premium Range	
	From:	To:
<u>35</u>	<u>104,700</u> =	<u>111,999</u>
<u>36</u>	<u>112,000</u> =	<u>119,999</u>
<u>37</u>	<u>120,000</u> =	<u>128,699</u>
<u>38</u>	<u>128,700</u> =	<u>137,799</u>
<u>39</u>	<u>137,800</u> =	<u>147,899</u>
<u>40</u>	<u>147,900</u> =	<u>158,599</u>
<u>41</u>	<u>158,600</u> =	<u>170,099</u>
<u>42</u>	<u>170,100</u> =	<u>182,599</u>
<u>43</u>	<u>182,600</u> =	<u>195,899</u>
<u>44</u>	<u>195,900</u> =	<u>210,599</u>
<u>45</u>	<u>210,600</u> =	<u>226,199</u>
<u>46</u>	<u>226,200</u> =	<u>243,299</u>
<u>47</u>	<u>243,300</u> =	<u>261,899</u>
<u>48</u>	<u>261,900</u> =	<u>282,299</u>
<u>49</u>	<u>282,300</u> =	<u>304,599</u>
<u>50</u>	<u>304,600</u> =	<u>329,099</u>
<u>51</u>	<u>329,100</u> =	<u>355,999</u>
<u>52</u>	<u>356,000</u> =	<u>386,199</u>
<u>53</u>	<u>386,200</u> =	<u>419,699</u>
<u>54</u>	<u>419,700</u> =	<u>456,999</u>
<u>55</u>	<u>457,000</u> =	<u>499,099</u>
<u>56</u>	<u>499,100</u> =	<u>546,899</u>
<u>57</u>	<u>546,900</u> =	<u>600,999</u>
<u>58</u>	<u>601,000</u> =	<u>663,299</u>
<u>59</u>	<u>663,300</u> =	<u>735,199</u>
<u>60</u>	<u>735,200</u> =	<u>818,999</u>
<u>61</u>	<u>819,000</u> =	<u>917,699</u>
<u>62</u>	<u>917,700</u> =	<u>1,035,999</u>
<u>63</u>	<u>1,036,000</u> =	<u>1,177,999</u>
<u>64</u>	<u>1,178,000</u> =	<u>1,351,999</u>
<u>65</u>	<u>1,352,000</u> =	<u>1,570,999</u>
<u>66</u>	<u>1,571,000</u> =	<u>1,853,999</u>
<u>67</u>	<u>1,854,000</u> =	<u>2,226,999</u>
<u>68</u>	<u>2,227,000</u> =	<u>2,747,999</u>
<u>69</u>	<u>2,748,000</u> =	<u>3,515,999</u>
<u>70</u>	<u>3,516,000</u> =	<u>4,781,999</u>
<u>71</u>	<u>4,782,000</u> =	<u>7,165,999</u>
<u>72</u>	<u>7,166,000</u> =	<u>13,119,999</u>
<u>73</u>	<u>13,120,000</u> =	<u>33,559,999</u>
<u>74</u>	<u>33,560,000</u> =	<u>and over</u>

WSR 14-19-101
WITHDRAWAL OF PROPOSED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION
 [Filed September 16, 2014, 2:24 p.m.]

The Washington state criminal justice training commission would like to withdraw WSR 14-15-142.

If you have any questions, please feel free to contact Sonja Hirsch.

Sonja Hirsch
Rules Coordinator

WSR 14-19-102
WITHDRAWAL OF PROPOSED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION
 [Filed September 16, 2014, 2:25 p.m.]

The Washington state criminal justice training commission would like to withdraw WSR 14-14-020.

If you have any questions, please feel free to contact Sonja Hirsch.

Sonja Hirsch
Rules Coordinator

WSR 14-19-103
WITHDRAWAL OF PROPOSED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION
 [Filed September 16, 2014, 2:26 p.m.]

The Washington state criminal justice training commission would like to withdraw WSR 14-14-021.

If you have any questions, please feel free to contact Sonja Hirsch.

Sonja Hirsch
Rules Coordinator

WSR 14-19-110
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed September 17, 2014, 7:53 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-05-033.

Title of Rule and Other Identifying Information: WAC 246-205-541 Decontamination standards, proposing a health-based methamphetamine decontamination standard.

Hearing Location(s): Department of Health, 101 Israel Road S.E., Town Center 1, Room 163, Tumwater, WA 98501, on October 21, 2014, at 10:00 a.m.

Date of Intended Adoption: November 3, 2014.

Submit Written Comments to: Vicki M. Bouvier, P.O. Box 47820, Olympia, WA 98504, e-mail <http://www3.doh.wa.gov/policyreview/>, fax (360) 236-2250, by October 21, 2014.

Assistance for Persons with Disabilities: Contact Vicki M. Bouvier by October 14, 2014, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this proposal is to establish a health-based methamphetamine decontamination standard of 1.5 micrograms per one hundred square centimeters.

Reasons Supporting Proposal: The current decontamination standard is based on a consistently achievable detection limit. Since the adoption of the original rule, advances in scientific understanding of the human health effects of methamphetamine indicate that a standard of 1.5 micrograms per one hundred square centimeters is a more appropriate health-based decontamination standard.

Statutory Authority for Adoption: RCW 64.44.070.

Statute Being Implemented: Chapter 64.44 RCW.

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

Name of Proponent: Peninsula Housing Authority (Clallam and Jefferson counties), public.

Name of Agency Personnel Responsible for Drafting: Vicki M. Bouvier, 111 Israel Road S.E., Tumwater, WA 98501, (360) 236-3011; **Implementation and Enforcement:** Nancy Napolilli, 243 Israel Road S.E., Tumwater, WA 98501, (360) 236-3325.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule would not impose more than minor costs on businesses in an industry.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Vicki M. Bouvier, P.O. Box 47820, Olympia, WA 98504-7820, phone (360) 236-3011, fax (360) 236-2250, e-mail Vicki.Bouvier@doh.wa.gov.

September 16, 2014

Dennis E. Worsham

Deputy Secretary

for John Wiesman, DrPH, MPH

Secretary

AMENDATORY SECTION (Amending WSR 03-02-022, filed 12/23/02, effective 1/23/03)

WAC 246-205-541 Decontamination standards. The decontamination standards include:

- (1) Methamphetamine of less than or equal to ~~((0+))~~ 1.5 micro grams per 100 square centimeters;
- (2) Total lead of less than or equal to 20 micro grams per square foot;
- (3) Mercury of less than or equal to 50 nano grams per cubic meter in air; and
- (4) Volatile organic compounds (VOCs) of 1 part per million total hydrocarbons and VOCs in air.

WSR 14-19-112

PROPOSED RULES

DEPARTMENT OF

FINANCIAL INSTITUTIONS

(Division of Consumer Services)

[Filed September 17, 2014, 9:07 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-15-141.

Title of Rule and Other Identifying Information: Amending the rules (chapter 208-630 WAC) under the Check Cashers and Sellers Act (chapter 31.45 RCW) to clarify the department's interpretation of the law regulating small loan agents.

Hearing Location(s): Department of Financial Institutions, 150 Israel Road S.W., Tumwater, WA 98501, on October 21, 2014, at 11:00 a.m. to 12:00 noon.

Date of Intended Adoption: November 18, 2014.

Submit Written Comments to: Sara Rietcheck, Division of Consumer Services, P.O. Box 41200, Olympia, WA 98504-1200, e-mail sara.rietcheck@dfi.wa.gov, fax (360) 596-3866, by October 21, 2014.

Assistance for Persons with Disabilities: Contact Sara Rietcheck by October 15, 2014, TTY (360) 664-8126 or (360) 902-8786.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposal for amendment will clarify the department's interpretation of the law as to the small loan agents regulated under the act.

Reasons Supporting Proposal: This clarification will help the industry understand their compliance requirements. This will in turn enhance consumer protection.

The rules are being proposed for amendment under the authority of OFM Guideline 3 (e) and (f) dated October 12, 2011.

Statutory Authority for Adoption: Chapter 43.320 RCW, RCW 31.45.200.

Statute Being Implemented: Chapter 31.45 RCW.

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

Name of Proponent: Department of financial Institutions, division of consumer services, governmental.

Name of Agency Personnel Responsible for Drafting: Cindy Fazio, 150 Israel Road S.W., Tumwater, WA 98501, (360) 902-8800; **Implementation and Enforcement:** Deb Bortner, 150 Israel Road S.W., Tumwater, WA 98501, (360) 902-0511.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule amendments will not impose more than minor costs on the businesses impacted by the proposed rules.

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable to the proposed rules.

September 17, 2014

Deborah Bortner, Director

Division of Consumer Services

AMENDATORY SECTION (Amending WSR 13-05-005, filed 2/6/13, effective 3/9/13)

WAC 208-630-110 What definitions are required to understand these rules? The definitions in RCW 31.45.010 and this section apply throughout this chapter unless the context clearly requires otherwise.

"ACH" means automated clearing house, an electronic network for financial transactions that processes credit and debit transactions.

"Act" means chapter 31.45 RCW.

"Affiliate" means any person who directly or indirectly through one or more intermediaries, controls, or is controlled by, or is in common control with another person.

"Agent" for purposes of RCW 31.45.079 means a person who engages in the business of making small loans by performing small loan agent services (~~on behalf of a licensee or exempt entity~~).

"Annual percentage rate" or "APR" means the cost of credit expressed as a yearly rate, determined in accordance with the federal Truth in Lending Act (15 U.S.C. Sec. 1601 et seq.), and Regulation Z (12 C.F.R. Part ~~(226)~~ 1026 et seq.), as amended.

The Office of the Comptroller of the Currency (OCC) has developed an APR calculator (APRWIN) that licensees may download and use without charge. APRWIN is available on the OCC's web site at <http://www.occ.treas.gov/aprwin.htm>.

"Board director" means a director of a corporation or a person occupying a similar status and performing a similar function with respect to an organization, whether incorporated or unincorporated.

"Check" means the same as defined in RCW 62A.3-104(f) and, for purposes of conducting the business of making small loans, includes other electronic forms of payment, including stored value cards, internet transfers, and automated clearing house transactions.

"Check casher" means an individual, partnership, unincorporated association, or corporation that, for compensation, engages, in whole or in part, in the business of cashing checks, drafts, money orders, or other commercial paper serving the same purpose.

"Check seller" means an individual, partnership, unincorporated association, or corporation that, for compensation, engages, in whole or in part, in the business of selling checks, drafts, money orders, or other commercial paper serving the same purpose.

"Close of business" for the purposes of RCW 31.45.86 and these regulations means the actual time a licensee closes for business at the location from which a small loan was originated or 11:59 p.m. Pacific Time, whichever is earlier.

"Default" means:

(1) The borrower's failure to repay a small loan in compliance with the terms contained in the small loan agreement or note; or

(2) Failure to pay any installment plan payment within ten days after the date upon which the installment was scheduled to be paid. See WAC 208-630-556 (12)(b).

"Department" means the department of financial institutions.

"Exempt entity" means a person described in RCW 31.45.020 that is engaged in the business of making small loans.

"Gross monthly income" means an individual's total personal income earned during a month prior to any taxes or deductions.

"Installment plan" is a contract between a licensee and borrower that provides that the loaned amount will be repaid in substantially equal installments scheduled on or after a borrower's pay dates and no less than fourteen days apart.

"Investigation" means an examination undertaken for the purpose of detecting violations of chapter 31.45 RCW or these rules or obtaining information lawfully required under chapter 31.45 RCW or these rules.

"License" means a license issued by the director to engage in the business of check cashing or check selling under the provision of chapter 31.45 RCW.

"Loaned amount" means the outstanding principal balance and any fees authorized under RCW 31.45.073 that have not been paid by the borrower.

"Monetary instrument" means a check, draft, money order or other commercial paper serving the same purpose.

"Paid" means that moment in time when the licensee deposits the borrower's check, accepts cash, or initiates an ACH withdrawal from the borrower's account for the full amount owed on a valid small loan. If the borrower's check is dishonored and returned unpaid by the borrower's bank, the loan is not paid. If an ACH authorization is denied, the loan is not paid.

"Payday advance lender" or "payday lender" means a licensee under this chapter who has obtained a small loan endorsement under RCW 31.45.073.

"Payday advance loan," "payday loan" or "deferred deposit loan" means the same as a small loan.

"Postdated check" means a check delivered prior to its date, generally payable at sight or on presentation on or after the day of its date. "Postdated check" does not include any promise or order made or submitted electronically by a borrower to a licensee.

"RCW" means the *Revised Code of Washington*.

"Small loan" or "loan" means a loan of up to the maximum amount and for a period of time up to the maximum term specified in RCW 31.45.073.

"Small loan agent services" include but are not limited to:

- (1) Marketing and advertising small loans;
- (2) ~~((Taking small loan applications;))~~ Collecting non-public personal information from consumers in anticipation of selling the information to potential lenders or other entities providing small loan agent services;
- (3) Assisting customers in completing small loan documentation;
- (4) Providing required disclosures; and
- (5) ~~((Disbursing small loan proceeds;~~
- ~~(6))~~ Collecting small loans(~~;~~
- ~~(7) Retaining documents and records; and~~
- ~~(8) Making reports)).~~

"State" means the state of Washington.

"Unsafe or unsound financial practice" means any action, or lack of action, the likely consequences of which, if

continued, would materially impair the net worth of a licensee or create an abnormal risk of loss to its customers.

NEW SECTION

WAC 208-630-135 What must I do to be authorized to offer small loan agent services? (1) Persons providing small loan agent services must license with the department. To license you must provide the following information:

(a) The legal name, residence, and business address if an individual or sole proprietorship, and in addition, if a partnership, corporation, limited liability company, limited liability partnership, trust, company, or association, the name and address of every member, partner, officer, controlling person, and board director.

(b) The trade or business name under which you will do business. Please note, your request may be denied if the proposed trade or business name is similar to a currently existing licensee name, including trade names.

(c) The street and mailing address of each location where you will engage in business.

(d) The location at which your records will be kept.

(e) Whether the applicant or other person subject to the act is, or has been, subject to a cease and desist order or an injunction issued pursuant to the act or the Consumer Protection Act in chapter 19.86 RCW.

(f) Whether the applicant or other person subject to the act has been charged or found through an administrative, civil, or criminal proceeding to have violated the provisions of the act or rules, or the Consumer Protection Act in chapter 19.86 RCW.

(g) Whether the applicant or other person subject to the act has been convicted of, or pled guilty or nolo contendere, in a domestic, foreign, or military court to:

(i) A gross misdemeanor involving dishonesty or financial misconduct within the prior seven years;

(ii) A felony within the prior seven years; or

(iii) A felony that involved an act of fraud, dishonesty, breach of trust, or money laundering at any time preceding the date of application.

(h) Any other pertinent information the director may require.

(2) You must also provide to the department a declaration that the company will not sell consumers' nonpublic personal information to unlicensed entities making loans or to unlicensed small loan agents.

NEW SECTION

WAC 208-630-136 If I am licensed to provide small loan agent services, what activities may I engage in? The small loan agent services license is a limited license. You may only provide the following services:

(1) Marketing and advertising small loans;

(2) Collecting nonpublic personal information, including social security, bank account, or credit card numbers, from consumers in anticipation of selling the information to potential lenders or other entities providing small loan agent services;

(3) Assisting customers in completing small loan documentation;

(4) Providing required disclosures;

(5) Collecting small loans.

NEW SECTION

WAC 208-630-137 What disclosures must I provide when conducting business pursuant to a small loan agent services license? You must display the following information on your internet home (landing) page in a clear and conspicuous manner:

(1) That you are not a lender and will not be the entity lending money to the consumer.

(2) The department's name and telephone number for consumers to contact with complaints.

The information required in subsections (1) and (2) of this section must be displayed in a manner substantially similar to the following:

"Your use of this web site is not an offer or solicitation to lend you money. The owner of this web site is not a lender and does not make loans or credit decisions. The owner of this web site may sell all or part of your information to lenders and other persons and you may be contacted by lenders and other persons. Contact the Department of Financial Institutions (telephone number or contact information) with complaints."

(3) Your privacy policy that describes all actions you may take with consumers' nonpublic personal information.

NEW SECTION

WAC 208-630-138 What laws govern my conduct as a small loan agent licensee? Small loan agent licensees are subject to chapter 31.45 RCW and chapter 208-630 WAC, including being subject to the following prohibitions:

(1) Selling nonpublic personal information, including social security, bank account, or credit card numbers, to potential lenders or other entities providing small loan agent services without first verifying that the lender is licensed under the act, or is exempt from licensing.

(2) Selling nonpublic personal information, including social security, bank account, or credit card numbers, to persons not required to license under the act without first giving the consumer an opportunity to prohibit the sale of their information.

(3) Failing to comply with the applicable provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. 6801-6809 and 15 U.S.C. 6821-6827.

WSR 14-19-113

PROPOSED RULES

GAMBLING COMMISSION

[Filed September 17, 2014, 9:17 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-15-146.

Title of Rule and Other Identifying Information: Proposed amendatory section WAC 230-10-375 Failing to maintain a positive cash flow; and proposed repealed sections WAC 230-10-370 Adjusted cash flow limits for bingo and 230-10-380 Relief reduction for minimum annual adjusted cash flow.

Hearing Location(s): Comfort Inn Conference Center, 1620 74th Avenue S.W., Tumwater, WA 98501, (360) 352-0691, on November 13 or 14, 2014, at 9:00 a.m. or 1:00 p.m. NOTE: Meeting dates and times are tentative. Visit our web site at www.wsgc.wa.gov and select public meeting about ten days before the meeting to confirm meeting date/location/start time.

Date of Intended Adoption: November 13 or 14, 2014.

Submit Written Comments to: Susan Newer, P.O. Box 42400, Olympia, WA 98504-2400, e-mail Susan.Newer@wsgc.wa.gov, fax (360) 486-3625, by November 1, 2014.

Assistance for Persons with Disabilities: Contact Michelle Rancour by November 1, 2014, TTY (360) 486-3637 or (360) 486-3453.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: With these rule changes, bingo licensees with annual gross gambling receipts over 1.5 million dollars would no longer have to meet quarterly and yearly "cash flow" requirements, which is calculated based on the quarterly activity reports they submit. Instead, licensees would have to show a positive cash flow when they submit their annual financial statements to the commission. These financial statements would continue to be prepared in accordance with WAC 230-07-150.

In addition, associated rules allowing a reduction for taxes paid and an automatic twenty-five percent reduction of the cash flow requirements would also be repealed.

There are currently only eight licensees who would be impacted by this petition because they have annual gross gambling receipts from bingo and punch board/pull-tab (PB/PT) activities over 1.5 million dollars.

Statutory Authority for Adoption: RCW 9.46.070, 9.46.0209.

Statute Being Implemented: Not applicable.

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

Name of Proponent: Ric Newgard, licensed primary bingo manager for Seattle Junior Hockey Association, and Clyde Bock, licensed primary bingo manager for Leon Sullivan Health Care Center, private.

Name of Agency Personnel Responsible for Drafting: Susan Newer, Lacey, (360) 486-3466; Implementation: David Trujillo, Director, Lacey, (360) 486-3512; and Enforcement: Mark Harris, Assistant Director, Lacey, (360) 486-3579.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement was not prepared because the rule change would not impose additional costs.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington state gambling commission is not an agency that is statutorily required to prepare a cost-benefit analysis under RCW 34.05.328.

September 17, 2014

Susan Newer
Rules Coordinator

AMENDATORY SECTION (Amending WSR 07-10-033, filed 4/24/07, effective 1/1/08)

WAC 230-10-375 Failing to maintain a positive cash flow. (1) Bingo licensees must measure adjusted cash flow (~~quarterly~~) to ensure that they maintain a positive cash flow and are not operating primarily for gambling purposes.

(2) If a licensee does not maintain a positive cash flow from the bingo operation (~~during any two consecutive license year quarters, measured independently~~) as reflected in their annual financial statement as prepared in accordance with WAC 230-07-150, the director ((summarily suspends)) will take administrative action to revoke the organization's bingo license.

~~((3) If a licensee fails to meet the adjusted cash flow requirements for any calendar year, we take administrative action to revoke the organization's bingo license.))~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

- | | |
|----------------|--------------------------------------------------------------------------------------------------------|
| WAC 230-10-370 | Ticket sales and receipting for three number speed bingo income. |
| WAC 230-10-380 | Drawings for prizes, good neighbor prizes, and second element of chance prizes as part of bingo games. |

WSR 14-19-114

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 13-11—Filed September 17, 2014, 9:23 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-03-122.

Title of Rule and Other Identifying Information: Ecology proposes adopting new chapter 173-557 WAC, Water resources management program for the Spokane River and Spokane Valley Rathdrum Prairie (SVRP) aquifer. Ecology also proposes amending WAC 173-555-010 General provision, the applicability provision of chapter 173-555 WAC, Water resources program in the Little Spokane River Basin, WRIA 55.

Hearing Location(s): CenterPlace Regional Event Center, Great Room, 2426 North Discovery Place, Spokane Valley, WA 99216, on Wednesday, October 22, 2014, open house at 6:00 p.m., formal public hearing at 7:00 p.m.

Date of Intended Adoption: December 15, 2014.

Submit Written Comments to: <http://www.ecy.wa.gov/programs/wr/rules/557-pi.html>; or to Ann Wessel, 1440 10th Street, Suite 102, Bellingham, WA 98225-7028, (360) 715-5215, e-mail awes461@ecy.wa.gov, fax (360) 715-5225, by November 7, 2014, 5:00 p.m.

Assistance for Persons with Disabilities: Contact Tony Rossiter by Wednesday, October 15, 2014, TTY (800) 833-6388 or (360) 407-6878.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The rule will establish a water resources management program for the Spokane River and the SVRP aquifer. The purposes of this rule are to:

(a) Establish instream flow levels necessary to protect wildlife, fish, scenic, aesthetic, recreation, water quality and other environmental values, navigational values, and stock watering requirements;

(b) Meet water resource management objectives of the Spokane area watershed plans adopted under chapter 90.82 RCW;

(c) To protect existing water rights; and

(d) Establish and protect Washington state interests in the water resources of the Spokane River.

This rule will establish ecology's policies to guide the protection, use, and management of Spokane River Basin surface water and the SVRP aquifer within the boundary of the rule area. It will protect existing water rights, establish instream flows, and set forth a program for the management and administration of future water allocation and use.

The purpose of the amendment to WAC 173-555-010 is to clarify the application of chapter 173-555 WAC in the area where the new rule (chapter 173-557 WAC) will overlap with the existing rule (chapter 173-555 WAC).

Reasons Supporting Proposal: This rule will further the state of Washington's water management goals and ecology's statutory obligation to protect instream resources. This rule is consistent with implementation of watershed plans adopted under the Watershed Planning Act, chapter 90.82 RCW.

Statutory Authority for Adoption: Chapters 43.27A, 90.22, 90.54, 90.82, 90.03, 90.44, and 18.104 RCW.

Statute Being Implemented: Chapters 90.22, 90.54, and 90.82 RCW.

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

Name of Proponent: Department of ecology, governmental.

Name of Agency Personnel Responsible for Drafting: Ann Wessel, Bellingham, Washington, (360) 715-5215; Implementation and Enforcement: Keith Stoffel, Spokane, Washington, (509) 329-3464.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

Note: Due to size limitations relating to the filing of documents with the code reviser, the small business economic impact statement (SBEIS) does not contain full explanation of ecology's analysis. Additionally, it does not contain raw data or all summaries of data used in the analysis, or all of ecology's analysis of this data. However, this information is being placed in the rule-making file, and is available upon request for the rule file. A full analysis of compliance costs is available in the associated cost-benefit analysis for this rule.

Executive Summary: The proposed rule requires new consumptive uses of water to be fully mitigated through a

senior water right or be interruptible. New changes or transfers of water in the future would be conditioned by the rule.

All currently established businesses using an established water right are not required to comply with the proposed rule. Essentially this proposed rule has little or no impact on small or any other business. All current businesses already operating under an established water right are not affected.

Only businesses seeking new appropriations of water or choosing to change or transfer an existing water right are required to comply with the rule. For those businesses affected by the rule, small businesses would experience a disproportionate impact based on a per-employee assessment.

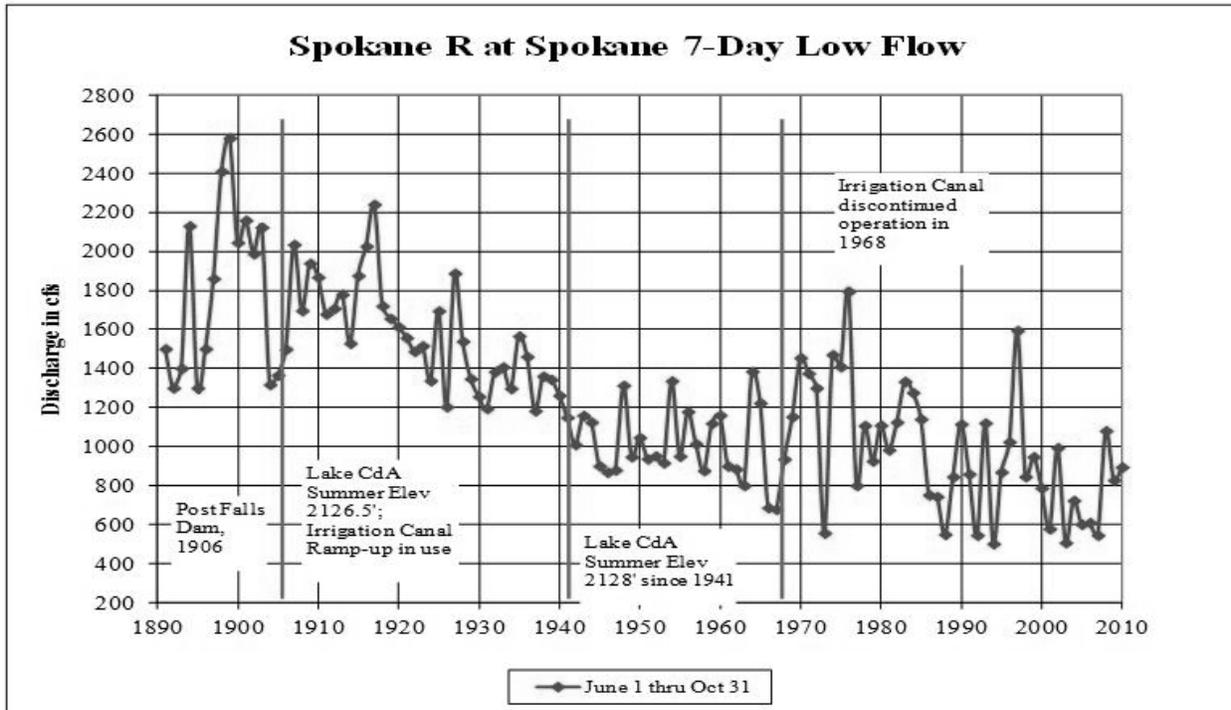
Future businesses are likely to either be served by an established water right or will need to be covered under mitigation water if using a permit-exempt withdrawal.

The purpose of the amendment to WAC 173-555-010 is to clarify the application of chapter 173-555 WAC in the area where the new rule (chapter 173-557 WAC) will overlap with the existing rule (chapter 173-555 WAC).

This document is intended to be read in conjunction with the associated cost-benefit analysis (publication no. 14-11-006).

Background:

History of the Spokane River and SVRP Aquifer: In the early 1990s, ecology determined that the low flows in late summer low were further declining in the Spokane River. Because of this decline and what was known about the interaction between the aquifer and the river at that time, ecology stopped issuing new groundwater rights in the SVRP aquifer. Following budgetary and legislative decisions further reinforced this inaction.



Around 2004, spurred by local events, public interest in water availability resulted in the beginning of the so-called "Bi-state Aquifer study." That study, conducted jointly by Idaho, Washington, and the United States Geologic Survey, supplemented watershed planning processes then underway in the area, and provided:

- Broad regional understanding about the mechanisms governing water supplies in the region; and
- A peer reviewed technical tool to assess and evaluate effects of water management alternatives on the system.

The results clearly indicate seasonal surface water declines are partially the result of increased groundwater withdrawals. Groundwater is only available at the expense of surface water supplies, and new withdrawals will increase seasonal declines in surface water flows and levels.

Processing applications for new water rights from the Spokane River and SVRP aquifer must consider existing water rights, including the roughly two hundred ten cubic feet per second (cfs) of existing inchoate municipal rights, prior to issuing new rights.

Rule Proposals: The key elements of the proposed rule include:

- Establishing instream flows protective of habitat for native fish and other resource-related beneficial uses (hydropower, water quality, recreation, aesthetic values, and so on).
- Providing a baseline for making water availability determinations necessary for guiding water right permit decisions.
- Protecting Washington state's interests in any interstate water rights conflict.

Analysis of Compliance Costs for Washington Businesses: We assess the impacts of the proposed rule by comparing water right management under the proposed rule in contrast to current practices.

Current Water Rights Administration: The current framework (or "baseline") considers the use of water under existing rights, including permit-exempt wells (RCW 90.44.-050), and current administrative procedures for considering applications both for new water rights and for changes to existing water rights. The legal baseline for this analysis consists of the regulation of water usage under chapter 90.44 RCW, Regulation of public groundwater; chapter 90.54 RCW, Water Resources Act of 1971; and chapter 90.03 RCW, Water code.

A brief description of compliance requirements follows:

Water Rights Administration Under the Rule: Approval of applications for new water [rights] from the Spokane [River] must consider potential impairment of existing water rights, including roughly two hundred ten cfs of existing inchoate municipal rights. The proposed rule will also set specific requirements for new uses of surface and groundwater, whether they require a permit or are permit-exempt, to prohibit impairment of the proposed instream flows. When instream flows are not met, the proposed rule requires uses junior to the rule to be interrupted unless fully mitigated through an existing water right.

For more detail on changes to water right administration, see the cost-benefit analysis.

Surface and Groundwater Permits: After adoption of the proposed rule ecology may issue new conditioned surface and groundwater permits allowing withdrawals when seasonal flows exceed the proposed instream flow levels.

Permit-Exempt Groundwater: In times of shortage, new water users are required to fully mitigate effects on adopted instream flows. Such mitigation must be obtained prior to the water use. Ecology has evaluated the possibilities of new domestic permit-exempt users in the proposed rule area and has concluded there will be very few people that cannot hook up to an existing public water supply system for their domestic supply.

Ecology is working on securing mitigation water to cover the limited number of anticipated future domestic permit-exempt well users. Although the future demand is an estimate, ecology expects the mitigation water put into trust will cover domestic permit-exempt mitigation needs well beyond the time period within the scope of this analysis.

Changes and Transfers of Water Rights: Ecology will continue to process changes and transfers of existing water rights as allowed by chapters 90.03 and 90.44 RCW. After rule adoption, a change or transfer proposal can be approved only if there is a finding that existing rights, including the instream flows established in this chapter, will not be impaired.

Impacts to Businesses in the Rule Area: The proposed rule will not directly affect any existing water right holders. Existing small businesses are not required to comply with the proposed rule to continue their current water use or if they wish to expand their use through a public water supplier. Businesses may be slightly affected by the rule if they choose to pursue a change or transfer of an existing water right. They would also be required to comply with the rule if seeking to establish a new water use outside public water supply service areas.

Almost every business would locate, or be required to locate by city and county ordinances within a public water supply service area with inchoate rights. Businesses that locate in areas with available water rights are unaffected by the rule.

Impacts to Businesses Dependent on Permit-Exempt Wells: As stated above, the proposed rule does not directly affect current or future businesses that have existing water rights or are served by a public water system. Future businesses choosing to locate outside a service area and eligible to use a new permit-exempt withdrawal would have access to the preestablished mitigation. They will have no known impact.

Costs to Firms and Required Professional Services: As mentioned above, no business entities are required to comply with the proposed rule unless they seek a new appropriation of water or seek a future change or transfer. In the case of changes or transfers, it is possible that additional hydrologic professional services may be needed above and beyond what they would be required currently. Ecology estimates this cost at ten additional hours of consultation or hydrologic services at \$200 an hour¹ for a total cost of \$2,000. Ecology estimates that the number of changes/transfers that might require the additional analysis to be ten over the next twenty years.

¹ The hourly rate estimate is for future fees based on historic budget and contract costs at ecology.

Reporting and Recordkeeping: The proposed rule requires no additional reporting or recordkeeping.

Additional Professional Services: Small businesses seeking future changes or transfers may need additional hydrologic services beyond what they would be currently required to use. Ecology estimates this cost at ten additional hours of consultation or hydrologic services at \$200 an hour for total costs of \$2,000. Ecology estimates that the number of changes/transfers that might require the additional analysis to be ten over the next twenty years.

Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: Ecology does not expect any additional costs in these areas.

Other Compliance Requirements: Ecology does not anticipate additional compliance requirements.

Quantification of Costs and Ratios: It is the purpose of this section to evaluate whether:

- The proposed rules could cause businesses to lose sales or revenue.
- The proposed rules would have a disproportionate impact on small businesses.

Revenue Impacts: As noted previously, only new appropriators of water or future changes and transfers are required to comply with the proposed rule. There would not be any impacts on small business revenue.

Distribution of Compliance Costs: Will the rule have a disproportionate impact on small businesses?

To determine whether the proposed rule is likely to have a disproportionate impact on small businesses as contemplated by RCW 19.85.040, ecology will compare the cost impacts on the small business with those on large business in the same industrial classification. For this purpose, ecology will look at industry 221310 (Water Supply and Irrigation Systems) as this appears to be the only industry involving water purveyors. The sample of eighteen small business[es] shows they average 6.3 employees². The City of Spokane water department is the business that is in the top ten percent with an estimated one hundred seventy-five employees. We have selected this example based on our knowledge of actual businesses that operate in the rule area.

² Data provided by the Chelan County Assessor and by the Washington state employment security department was the basis for this table.

Most if not all of the businesses we are looking at are considered small, having "fifty or fewer employees." As a result, ecology does not have specific information about cost per hour of labor or cost per one hundred dollars of sales of the businesses in the rule area. Therefore, ecology has used the "Cost per employee" to evaluate whether there are disproportionate cost impacts. For this example we will not contemplate if, or how many changes or transfers companies may seek in the future, but describe disproportional impacts that may occur if they do in Table 1.

Table 1. Proportional Costs to Businesses

	Estimated Costs per Change/Transfer	# of Employees		Cost Per Employee	
		Small Business	10% Largest Business	Small Business	10% Largest Business
Cost of additional professional services	\$2,000	6.3	175	\$317	\$11

The estimated cost per employee for small business is \$317, and for the top ten percent of largest businesses is \$11.

Businesses that do seek changes or transfers in the future may bear some additional costs. Although some additional costs can exist, the decision to pursue a change or transfer in the future recognizes there is clearly a net benefit for doing so.

Known Costs: Small businesses seeking future changes or transfers may need additional hydrologic services beyond what they would be currently required to use. Ecology estimates this cost at ten additional hours of consultation or hydrologic services at \$200 an hour for a total cost of \$2,000.

The costs to those required to comply with the proposed rule will impose disproportionate costs to small businesses.

Conclusions:

- The proposed rule requires new consumptive uses of water to be fully mitigated through a senior water right.
- New changes or transfers of water in the future would be conditioned by the rule.
- Only businesses seeking new appropriations of water are required to comply with the rule.
- All currently established businesses using an established water right are not required to comply with the proposed rule. Essentially this proposed rule has little or no impact on small or any other business. All current businesses already operating under an established water right are not affected.
- All future businesses will either be served by an established water right or will be covered under the purchased mitigation water if using a permit-exempt withdrawal.

Actions Taken to Reduce the Impact of the Rule on Small Business: The proposed rule will establish instream flows for the Spokane River, protecting instream resources from new water appropriations. This will help protect existing small businesses such as fishing guides, rafting companies, tourism related businesses, and waterfront restaurants that rely on the presence of water in the Spokane River. Setting instream flows will help protect existing water rights, in particular those held by small businesses and by municipal water purveyors, which are the primary source of water for small businesses in this area.

Ecology is not proposing to close the Spokane River to all new appropriations. It will be possible for a small business that could benefit from an interruptible source of water to acquire a water right, or for a small business to obtain new water by providing mitigation.

An action ecology is working on outside of the rule, but directly related to rule implementation, is the provision of mitigation for new uses of water relying on the groundwater permit exemption. This will reduce the rule's impact on small home-based businesses.

The Involvement of Small Business in the Development of the Proposed Rule: Small businesses, local governments, and others, were involved in watershed planning region wide. Small business (water purveyors and users) were also briefed by ecology staff in numerous public forums during development of the rule language. Ecology participation in and support of events sponsored by The Spokane River Forum (<http://spokaneriver.net/>) and other local organizations has also provided a means for small businesses' involvement in activities to promote a healthy river system. Data supporting the underlying science of rule development was gathered and analysis conducted by environmental consulting firms (typically small businesses).

The SIC Codes of Impacted Industries: The industries listed below may be required to comply with the proposed rule. The following NAICS code for small business that may be affected in complying with the rule. This serves as the known potential future businesses that may be affected.

Ecology has determined that water purveyors are the only know [known] businesses that would be affected by the rule and required to comply with the rule. The industrial classification for these entities is Water Supply and Irrigation Systems with NAICS code 221310.

Impacts on Jobs: Current small businesses or those that have or are using an existing water right are not affected by this rule. Small businesses that decide they want a new water right or which propose a change or transfer to an existing right may be affected. Ecology expects that these small businesses may rely on land use planning professionals (planners, architects, hydrogeologists, and engineers) to help prepare materials to show how their proposals meet the current change or transfer requirements. Ecology expects no net job impacts to come from this proposed rule.

A copy of the statement may be obtained by contacting the department of ecology web page at <http://www.ecy.wa.gov/programs/wr/rules/557-ov.html>, or Department of Ecology, Water Resources Program Publications, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6872, fax (360) 407-7162, e-mail WRPublications@ecy.wa.gov.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting the department of ecology web page at <http://www.ecy.wa.gov/programs/wr/rules/557-ov.html>, or Department of Ecology, Water Resources Program Publications, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6872, fax (360) 407-7162, e-mail WRPublications@ecy.wa.gov.

September 12, 2014
 Polly Zehm
 Deputy Director

AMENDATORY SECTION (Amending Order DE 75-24, filed 1/6/76)

WAC 173-555-010 General provision. These rules, including any subsequent additions and amendments, apply to waters within and contributing to the Little Spokane River basin, WRIA-55 (see WAC 173-500-040). Chapter 173-500 WAC, the general rules of the department of ecology for the implementation of the comprehensive water resources program, applies to this chapter 173-555 WAC. In the area where this rule and chapter 173-557 WAC overlap, the application of each rule shall be determined as follows:

(1) New water use from the Little Spokane River, its tributaries, and the shallow aquifer associated with the Little Spokane River and its tributaries shall be regulated under this rule (chapter 173-555 WAC).

(2) New water use from the Spokane Valley Rathdrum Prairie aquifer shall be regulated under chapter 173-557 WAC. Water resource management program for the Spokane River and Spokane Valley Rathdrum Prairie (SVRP) aquifer.

Chapter 173-557 WAC

WATER RESOURCES MANAGEMENT PROGRAM FOR THE SPOKANE RIVER AND SPOKANE VALLEY RATHDRUM PRAIRIE (SVRP) AQUIFER

NEW SECTION

WAC 173-557-010 Authority and purpose. (1) The department of ecology (ecology) adopts this rule under the authority of the Watershed Planning Act (chapter 90.82 RCW), Water Resources Act of 1971 (chapter 90.54 RCW), Water code (chapter 90.03 RCW), Regulation of public groundwaters (chapter 90.44 RCW), Minimum Water Flows and Levels Act (chapter 90.22 RCW), Water well construction (chapter 18.104 RCW); RCW 43.21A.064(9) and 43.21A.080; and in accordance with the water resources management program regulation (chapter 173-500 WAC).

(2) The purposes of this rule are to:

(a) Establish instream flow levels necessary to protect wildlife, fish, scenic, aesthetic, recreation, water quality and other environmental values, navigational values, and stock watering requirements;

(b) Meet water resource management objectives of the Spokane area watershed plans adopted under chapter 90.82 RCW;

(c) Protect existing water rights; and

(d) Establish and protect Washington state interests in the water resources of the Spokane River.

(3) In accordance with RCW 90.82.130(4), in developing this chapter ecology refers to the Middle Spokane water resource inventory area (WRIA 57) and Lower Spokane water resource inventory area (WRIA 54) watershed plan recommendations as a consideration in determining the public interest in water resource management for the Spokane River.

The plan recommendations were approved by the Spokane area watershed planning units. The joint watershed plan for the Middle Spokane watershed (WRIA 57) and the Little Spokane watershed (WRIA 55, which is not included in this

rule) was adopted by Spokane County, Stevens County, and Pend Oreille County commissioners on January 31, 2006. The Lower Spokane (WRIA 54) watershed plan was adopted by Spokane County, Lincoln County, and Stevens County commissioners on October 22, 2009.

(4) This rule establishes ecology's policies to guide the protection, use, and management of Spokane River basin surface water and the SVRP aquifer within the boundary of the rule area. It protects existing water rights, establishes instream flows, and sets forth a program for the management and administration of future water allocation and use.

NEW SECTION

WAC 173-557-020 Applicability. (1) This rule applies to the mainstem of the Spokane River and all surface water and groundwater within the boundary of the SVRP aquifer, as identified in *U.S. Geological Survey Scientific Investigations Report 2007-5041*. The map provided in WAC 173-557-110 is for informational purposes only. Hydrologic evidence of the SVRP aquifer determines applicability of this rule.

(2) This rule does not supersede the instream flow rule of the Little Spokane River (chapter 173-555 WAC), except where a proposed withdrawal is from waters in direct hydraulic continuity with the SVRP aquifer as determined by ecology. In the area where this rule and chapter 173-555 WAC overlap, the application of each rule shall be determined as follows:

(a) New water use from the Little Spokane River, its tributaries, and the shallow aquifer associated with the Little Spokane River and its tributaries shall be regulated under chapter 173-555 WAC; and

(b) New water use from the SVRP aquifer shall be regulated under chapter 173-557 WAC.

(3) Chapter 173-557 WAC applies to the use and appropriation of surface water and groundwater begun after the effective date of this chapter. This chapter shall not affect:

(a) Existing surface water and groundwater rights established prior to adoption of the state surface water and groundwater codes, or by water right permit authorized under state law, unless otherwise provided for in the conditions of the water right in question;

(b) Groundwater rights established under the groundwater permit-exemption in RCW 90.44.050 where regular beneficial use began before the effective date of this chapter; and

(c) Federal and tribal reserved rights.

(4) Changes to or transfers of existing rights are addressed in WAC 173-557-070.

NEW SECTION

WAC 173-557-030 Definitions. "Appropriation" means the process of legally acquiring the right to use specific amounts of water for beneficial uses, consistent with the ground and surface water codes and other applicable water resource statutes.

"Consumptive use" means use of water that diminishes the volume or quality of the water source.

"Ecology" or **"department"** means the Washington state department of ecology.

"**Hydraulically connected**" means saturated conditions exist that allow water to move between surface water and groundwater, or between groundwater sources.

"**Instream flow**" means a stream flow level set in rule to protect and preserve fish, wildlife, scenic, aesthetic, recreational, water quality, and other environmental values; navigational values; and stock watering requirements. The term "instream flow" means "base flow" under chapter 90.54 RCW, "minimum flow" under chapters 90.03 and 90.22 RCW, and "minimum instream flow" under chapter 90.82 RCW.

"**Mitigate**" or "**mitigated**" means actions taken to offset adverse impacts by new water appropriations on senior water rights, including the instream flow levels set in WAC 173-557-050.

"**Municipal water supplier**" means an entity that supplies water for municipal water supply purposes as defined in RCW 90.03.015.

"**Permit-exempt groundwater withdrawal**" means a groundwater withdrawal exempted from ecology water right permitting requirements under RCW 90.44.050, but which is otherwise subject to the groundwater code and other applicable regulations.

"**Stream management unit**" means a stream segment, reach, or tributary used to describe the area to which a particular use, action, or instream flow level applies. Each of these units contains a control station. A map of the control stations is included in WAC 173-557-110.

"**SVRP aquifer**" means the Spokane Valley Rathdrum Prairie aquifer.

"*U.S. Geologic Survey Scientific Investigations Report 2007-5041*" refers to the hydrogeologic framework and groundwater budget of the Spokane Valley Rathdrum Prairie aquifer, Spokane County, Washington, and Bonner and Kootenai counties, Idaho; *U.S. Geologic Survey Scientific Investigations Report 2007-5041* by Kahle, S.C., and Bartolino, J.R., 2007.

"**Water resource inventory area (WRIA)**" means one of the sixty-two areas designated by the state of Washington through chapter 173-500 WAC to delineate area boundaries within the state for water management purposes.

"**Withdrawal**" means the extraction and beneficial use of groundwater, or the diversion and beneficial use of surface water.

NEW SECTION

WAC 173-557-040 Stream management units. Stream management units, control stations, and their application to surface water and groundwater withdrawals are established as shown in Table 1. Control stations are shown in the map in WAC 173-557-110.

**Table 1
Stream Management Unit Information**

Stream Management Unit Name and Control Station Gauge #	Control Station by River Mile (RM); Latitude (Lat.), Longitude (Long.)	Application to Surface Water and Groundwater Withdrawals
Spokane River at Spokane USGS gauge #12422500	RM 72.9; 47.65983N, 117.44911W (NAD 83)	Year-round instream flows for regulating surface water withdrawals from Sullivan Road bridge to Seven Mile bridge, and for regulating groundwater withdrawals within the boundary of the SVRP aquifer in Washington state
Spokane River at Green acres (Barker Road) USGS gauge #12420500	RM 90.5; 47.67740N, 117.15215W (NAD 83)	June 16 - September 30 instream flows for regulating surface water withdrawals between the Idaho state line and Sullivan Road bridge

NEW SECTION

WAC 173-557-050 Instream flows. (1) The priority date of the instream flows established in this chapter is the effective date of this chapter.

(2) Instream flows, expressed in cubic feet per second (cfs), are shown in Table 2 of this section. Instream flows are monitored at the stream management control stations and apply to the stream management units described in WAC 173-557-040, Table 1.

**Table 2
Instream Flows for the Spokane River**

Spokane River at Spokane	
October 1 - March 31	1,700 cfs

April 1 - June 15	6,500 cfs
June 16 - September 30	850 cfs
Spokane River at Greenacres (Barker Road)	
June 16 - September 30	500 cfs

NEW SECTION

WAC 173-557-060 Future new uses of water. (1) Instream flows established in this rule are water rights and shall be protected from impairment by:

(a) New water right permits approved by ecology after the effective date of this chapter; or

(b) Permit-exempt withdrawals established within the area regulated under this chapter after the effective date of this chapter.

(2) Based on the hydrogeology of the SVRP aquifer as described in *U.S. Geologic Survey Scientific Investigations Report 2007-5041*, ecology determines that surface water in the Spokane River and groundwater within the SVRP aquifer are hydraulically connected. New appropriations from the SVRP aquifer will be managed to protect the instream flows established in this rule.

(3) Within the area regulated under this rule, municipal water suppliers are the primary sources of water for new uses. If water is not available from a municipal water supplier, the consumptive use impacts to surface water from new permit-exempt groundwater withdrawals must be interrupted when stream flow is below the instream flows established in this rule, unless those impacts are mitigated. Mitigation must be achieved through an ecology-approved mitigation plan.

(4) The consumptive use impacts to surface water from water right permits approved by ecology after the effective date of this rule must be interrupted when stream flow is below the instream flows established in this rule, unless those impacts are mitigated. Water right permits approved by ecology after the effective date of this rule shall be conditioned to prohibit impairment of instream flows established in this rule.

NEW SECTION

WAC 173-557-070 Changes and transfers of existing water rights. No changes to, or transfers of, existing surface water and groundwater rights in the area covered under this rule shall hereafter be granted if they conflict with the protection of the instream flow levels established in this chapter. Any change or transfer proposal can be approved only if there is a finding that existing rights, including the instream flows established in this chapter, will not be impaired.

NEW SECTION

WAC 173-557-080 Compliance and enforcement. Ecology shall enforce this rule in accordance with chapters 90.03 and 90.44 RCW, and any other applicable laws and rules.

NEW SECTION

WAC 173-557-090 Appeals. All final written decisions of ecology pertaining to water right permits, regulatory orders, and related water right decisions made pursuant to this rule are subject to appeal to the pollution control hearings board in accordance with chapter 43.21B RCW.

NEW SECTION

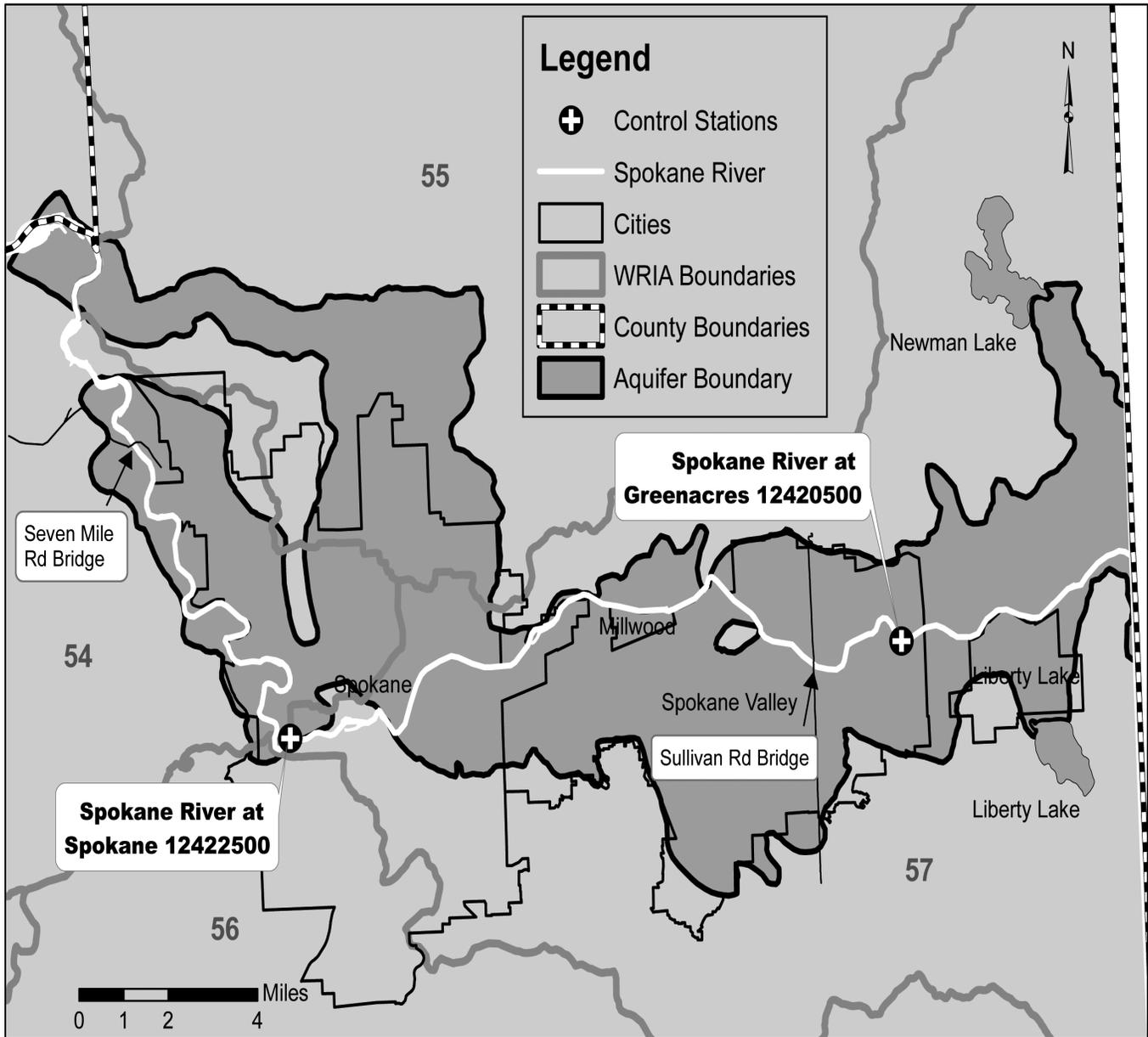
WAC 173-557-100 Regulation review. Ecology, after consultation with local, tribal, and state governments, may initiate a review, and if necessary amend this chapter, following the procedures of chapter 34.05 RCW, if: Significant new scientific information becomes available; a significant change in conditions occurs; anadromous fish are reintroduced; a large storage project is proposed in the area affected

by this rule; or statutory changes are enacted, that are determined by the department to require review of this rule.

NEW SECTION

WAC 173-557-110 Map of the rule area with control points. In administering this chapter, hydrologic evidence of the SVRP aquifer as defined in WAC 173-557-020(1) determines applicability. The map in Figure 1 of this section, generally reflects the boundary of the SVRP aquifer and is provided for informational purposes only.

Figure 1 - Spokane River and Spokane Valley Rathdrum Prairie Aquifer—Rule Area and Control Stations



WSR 14-19-116
PROPOSED RULES
RECREATION AND CONSERVATION
OFFICE

[Filed September 17, 2014, 9:44 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-15-143.

Title of Rule and Other Identifying Information: Amendments to chapter 286-06 WAC, Public records.

Hearing Location(s): Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA 98504, on October 30, 2014, at 11:30 a.m.

Date of Intended Adoption: October 30, 2014.

Submit Written Comments to: Leslie Connelly, 1111 Washington Avenue South, P.O. Box 40917, Olympia, WA 98504-0917, e-mail leslie.connely@rco.wa.gov, fax (360) 902-3026, by October 24, 2014.

Assistance for Persons with Disabilities: Contact Cindy Gower by October 30, 2014, TTY (360) 902-1996 or (360) 902-3013.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposal is to revise the recreation and conservation office's procedures for maintaining public records and fulfilling public records requests. The revisions incorporate procedures for electronic public records and change the costs for fulfilling public records requests. The revisions substantially follow the model rules adopted by the attorney general's office.

Reasons Supporting Proposal: (1) The office's public records procedures have not been substantially updated since 2001 and do not reflect the most current requirements of the Public Records Act.

(2) The existing procedures do not address requests for electronic records, which is now a common form of public records requests, and

(3) The existing procedures do not allow the office to charge for fulfilling public records requests in other formats besides black and white paper copies.

Statutory Authority for Adoption: RCW 42.56.040.

Statute Being Implemented: Chapter 42.56 RCW.

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

Name of Proponent: Recreation and conservation office, governmental.

Name of Agency Personnel Responsible for Drafting: Leslie Connelly, 1111 Washington Street S.E., Olympia, WA 98504, (360) 902-3080; Implementation and Enforcement: Kaleen Cottingham, 1111 Washington Street S.E., Olympia, WA 98504, (360) 902-3000.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule making does not meet the definition of a "minor cost" in RCW 19.85.020(2) nor would it affect "small businesses" as defined in RCW 19.85.020(3).

A cost-benefit analysis is not required under RCW 34.05.328. The recreation and conservation office is not listed as an agency required to complete a cost-benefit analysis under RCW 34.05.328 (5)(a)(i).

September 17, 2014
Leslie Connelly
Natural Resources
Policy Specialist

AMENDATORY SECTION (Amending WSR 14-09-074, filed 4/18/14, effective 5/19/14)

WAC 286-06-050 ((Public records available-))
Authority and purposes. ((All public records of the office, as defined in RCW 42.56.070, as now or hereafter amended, are available for public inspection and copying pursuant to this regulation, except as otherwise provided by law, including, but not limited to, RCW 42.56.050 and 42.56.210 and WAC 286-06-100, Exemptions-)) (1) RCW 42.56.070(1) of the Public Records Act requires each agency to make available for inspection and copying nonexempt "public records" in accordance with published rules. The act defines "public record" to include any "writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained" by the agency. RCW 42.56.070(2) also requires

each agency to set forth "for informational purposes" every law, in addition to the Public Records Act, that exempts or prohibits the disclosure of public records held by that agency.

(2) The purpose of these rules is to establish the procedures the office will follow in order to provide full access to public records. These rules provide information to persons wishing to request access to public records of the office and establish processes for both requestors and the office staff that are designed to best assist members of the public in obtaining such access.

(3) The purpose of the Public Records Act is to provide the public full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of the efficient administration of government. The act and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the act, the office will be guided by the provisions of the act describing its purposes and interpretation.

AMENDATORY SECTION (Amending WSR 14-09-074, filed 4/18/14, effective 5/19/14)

WAC 286-06-060 ((Responsibility-)) Agency description—Contact information—Public records officer. ((The public records shall be available through a public records officer designated by the director. The public records officer shall be responsible for: Implementation of the rules and regulations regarding release of public records, coordinating the staff of the office in this regard, and generally ensuring compliance with the public records disclosure requirements of chapter 42.56 RCW as now or hereafter amended-)) (1) The office manages grant programs to create outdoor recreation opportunities, protect the best of the state's wildlife habitat and farmland, and help return salmon from near extinction. The office also provides staff support to various boards, councils, and working groups as assigned by the governor or the legislature. The office is located at 1111 Washington Street S.E., Olympia, WA 98501. The office does not have field offices.

(2) Any person wishing to request access to public records of the office, or seeking assistance in making such a request should contact the public records officer of the office:

Public Records Officer
Recreation and Conservation Office
P.O. Box 40917
Olympia, WA 98504-0917
(360) 902-3000
(360) 902-3026
PDandR@rco.wa.gov

Information is also available at the office's web site at www.rco.wa.gov.

(3) The public records officer will oversee compliance with the Public Records Act but another office staff member may process the request. Therefore, these rules will refer to the public records officer "or designee." The public records officer or designee and the office will provide the "fullest assistance" to requestors; create and maintain for use by the public and office officials an index to public records of the office; ensure that public records are protected from damage

or disorganization; and prevent fulfilling public records requests from causing excessive interference with essential functions of the office.

AMENDATORY SECTION (Amending WSR 14-09-074, filed 4/18/14, effective 5/19/14)

WAC 286-06-070 ((Office hours)) Availability of public records. (1) **Hours for inspection of records.** Public records ~~((shall be))~~ are available for inspection and copying during ~~((the office's customary office))~~ normal business hours ~~((Those hours shall be consistent with RCW 42.04.060 and 42.56.090))~~ of the office, from 8:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

(2) Records index.

(a) An index of public records is available for use by members of the public, including:

- (i) Archived files;
- (ii) Equipment inventory;
- (iii) Office and board policies and procedures, including manuals;
- (iv) Active project files;
- (v) Publications such as brochures and special reports;
- (vi) Policy statements entered after June 30, 1990, as defined in RCW 34.05.010, including grant program manuals; and
- (vii) Rule-making files, as described in RCW 34.05.370, for each rule proposed for adoption in the Washington State Register and adopted.

(b) Before June 30, 1990, the office did not maintain an index of:

- (i) Declaratory orders containing analysis or decisions of substantial importance to the office in carrying out its duties;
- (ii) Interpretive statements as defined in RCW 34.05.010; and
- (iii) Policy statements as defined in RCW 34.05.010.

(c) The following general records and files are available by reference to topic, and generally arranged alphabetically or chronologically within such topic. Due to volume, costs, and complexity, however, no master index is maintained:

- (i) Administrative files;
- (ii) Comprehensive park-recreation plans;
- (iii) Summaries of office staff meetings;
- (iv) Closed or inactive project files;
- (v) General correspondence;
- (vi) Attorney general opinions;
- (vii) Financial records;
- (viii) Summaries and memoranda of office and board meetings;

(ix) Final adjudicative proceeding orders entered after June 30, 1990, as defined in RCW 34.05.010 that contain an analysis or decision of substantial importance to the office or board in carrying out its duties (each listed alphabetically by subject with a phrase describing the issue or issues and relevant citations of law);

(x) Declaratory orders entered after June 10, 1990, that contain an analysis or decision of substantial importance to the office or board in carrying out its duties (each listed

alphabetically by case name with a phrase describing the issue or issues and relevant citations of law); and

(xi) Interpretive statements as defined in RCW 34.05.010 (each indexed by the office or board program).

(3) Organization of records. The office will maintain its records in a reasonably organized manner. The office will take reasonable actions to protect records from damage and disorganization. A requestor shall not take records from the office without the permission of the public records officer or designee. A variety of records is available on the office's web site at www.rco.wa.gov. Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

(4) Making a request for public records.

(a) Any person wishing to inspect or copy public records of the office should make the request in writing on the office's request form, or by letter, fax, or e-mail addressed to the public records officer and include the following information:

- Name of requestor;
- Address of requestor;
- Other contact information, including telephone number and any e-mail address;
- Identification of the public records adequate for the public records officer or designee to locate the records; and
- The date and time of day of the request.

(b) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or a deposit.

(c) A form is available for use by requestors at the office of the public records officer and online at www.rco.wa.gov.

(d) The public records officer or designee may accept requests for public records that contain the above information by telephone or in person. If the public records officer or designee accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing.

AMENDATORY SECTION (Amending WSR 14-09-074, filed 4/18/14, effective 5/19/14)

WAC 286-06-080 ((Requests for)) Processing of public records requests—General. ~~((Consistent with chapter 42.56 RCW, public records may be inspected or copied or copies of such records may be obtained by members of the public, upon compliance with the following procedures:~~

~~(1) A request shall be made in writing, preferably on a form prescribed by the director, which shall be available at its Olympia office or electronically. The request shall be presented to the public records officer or designee. The request shall include the following information:~~

- ~~(a) The name of the person requesting the record;~~
- ~~(b) The calendar date on which the request was made;~~
- ~~(c) The nature of the request;~~
- ~~(d) A reference to the requested record as it is described in any current index, if the matter requested is referenced within indexes; and~~
- ~~(e) An appropriate description of the record requested, if the requested matter is not identifiable in the indexes.~~

~~(2) Whenever a member of the public makes a request, the public records officer or designee shall ensure the request~~

receives a "date received" stamp or equivalent notation and that assistance is provided in promptly identifying the public record requested as defined in RCW 42.56.520. The office shall assist to the maximum extent consistent with ongoing operations, and retains the authority to condition records access to prevent unreasonable invasions of privacy, access to other information protected from disclosure by law, damage/disorganization, and excessive interference with office operations and equipment.) (1) **Providing "fullest assistance."** The office is charged by statute with adopting rules which provide for how it will "provide full access to public records," "protect records from damage or disorganization," "prevent excessive interference with other essential functions of the agency," provide "fullest assistance" to requestors, and provide the "most timely possible action" on public records requests. The public records officer or designee will process requests in the order allowing the most requests to be processed in the most efficient manner.

(2) **Acknowledging receipt of request.** Within five business days of receipt of the request, the public records officer will do one or more of the following:

(a) Make the records available for inspection or copying;

(b) If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor;

(c) Provide a reasonable estimate of when records will be available;

(d) If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone. The public records officer or designee may revise the estimate of when records will be available; or

(e) Deny the request.

(3) **Consequences of failure to respond.** If the office does not respond in writing within five business days of receipt of the request for disclosure, the requestor should consider contacting the public records officer to determine the reason for the failure to respond.

(4) **Protecting rights of others.** In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.

(5) **Records exempt from disclosure.** Some records are exempt from disclosure, in whole or in part. If the office believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

(6) **Inspection of records.**

(a) Consistent with other demands, the office shall provide space to inspect public records. Records must be inspected at the office. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the office to copy.

(b) The requestor must claim or review the assembled records within thirty days of the office's notification to him or her that the records are available for inspection or copying. The office will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the office to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty day period or make other arrangements, the office may close the request and refile the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

(7) **Providing copies of records.** After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying.

(8) **Providing records in installments.** When the request is for a large number of records, the public records officer or designee will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.

(9) **Completion of inspection.** When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate in writing that the office has completed a diligent search for the requested records and made any located nonexempt records available for inspection.

(10) **Closing withdrawn or abandoned request.** When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer will close the request and indicate in writing to the requestor that the office has closed the request.

(11) **Later discovered documents.** If, after the office has informed the requestor that it has provided all available records, the office becomes aware of additional responsive documents existing at the time of the request, it will promptly inform in writing the requestor of the additional documents and provide them on an expedited basis.

NEW SECTION

WAC 286-06-085 Processing of public records requests—Electronic records. (1) **Requesting electronic records.** The process for requesting electronic public records is the same as for requesting paper public records.

(2) **Providing electronic records.** When a requestor requests records in an electronic format, the public records officer will provide the nonexempt records or portions of

such records that are reasonably locatable in an electronic format that is used by the office and is generally commercially available, or in a format that is reasonably translatable from the format in which the office keeps the record. Costs for providing electronic records are governed by WAC 44-14-07003.

(3) **Customized access to data bases.** With the consent of the requestor, the office may provide customized access under RCW 43.41A.130 if the record is not reasonably locatable or not reasonably translatable into the format requested. The office may charge a fee consistent with RCW 43.41A.130 for such customized access.

AMENDATORY SECTION (Amending WSR 14-09-074, filed 4/18/14, effective 5/19/14)

WAC 286-06-090 ((Copying)) Costs of providing copies of public records. ~~((1) No fee shall be charged for the inspection of public records.~~

~~(2) The director shall charge a fee of fifteen cents per page for providing copies of public records and for use of the office's copy equipment. Copying in other formats shall be subject to a fee established by the director. These charges will be the amount necessary to reimburse the office for its actual costs incident to such copying.)~~ (1) **Costs for paper and electronic copies.**

(a) There is no fee for inspecting public records in the office or e-mailing electronic records to a requestor, unless another cost applies such as a scanning fee.

(b) The office will charge an amount necessary to reimburse its costs for providing paper and electronic copies of records, including costs for electronic copies on a CD-ROM and scanning paper or other nonelectronic records.

(c) The fee amounts shall be reviewed from time to time by the office, and shall represent the costs of providing copies of public records and for use of the office's copy equipment, including staff time spent copying records, preparing records for copying, and restoring files. This charge is the amount necessary to reimburse the office for actual costs for copying. The charge for special copy work of nonstandard public records shall reflect the total cost, including the staff time necessary to safeguard the integrity of these records.

(d) Before beginning to make the copies, the public records officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The public records officer or designee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment.

(e) The office will not charge sales tax when it makes copies of public records unless it uses an outside vendor to make the copies.

(2) Costs of mailing. The office may also charge actual costs of mailing, including the cost of the shipping container.

(3) Payment. Payment may be made by cash, check, or money order to the office.

AMENDATORY SECTION (Amending WSR 14-09-074, filed 4/18/14, effective 5/19/14)

WAC 286-06-100 Exemptions. ~~((1) The director reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 286-06-080 is exempt under the provisions of state or federal law, or chapter 42.56 RCW.~~

~~(2) In addition, pursuant to chapter 42.56 RCW, the director reserves the right to delete identifying details when made available or published in cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy, or would disclose information otherwise protected by law.~~

~~(3) All denials of requests for public records, in whole or part, will be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.)~~ (1) The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure. Requestors should be aware of the following exemptions that restrict the availability of some documents held by office for inspection and copying. Exemptions may include:

• **Archaeological site records:** Maps or other information identifying location of site or sites (RCW 42.56.300);

• **Preliminary documents:** Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended unless cited publicly or within an official public record (RCW 42.56.280);

• **Personal information:** Information not related to disciplinary action or performance as a state employee (e.g., payroll records, examination questions, medical condition information, Social Security number, residence address, personal phone numbers, and personal e-mail addresses) (RCW 42.56.230, 42.56.250, 42.56.210(1));

• **Real estate appraisals:** Real estate appraisals relative to the acquisition of property, until the prospective sale is abandoned or completed (RCW 42.56.260); and

• **Farm plans:** Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator, and farm plans developed under chapter 90.48 RCW and not under the federal Clean Water Act, 33 U.S.C. Sec. 1251 et seq. (RCW 42.56.270).

(2) The office is prohibited by statute from disclosing lists of individuals for commercial purposes.

AMENDATORY SECTION (Amending WSR 14-09-074, filed 4/18/14, effective 5/19/14)

WAC 286-06-110 Review of denials of public records. ~~((1) Any person who objects to the denial of a request for a public record may petition the director for review by submitting a written request. The request shall specifically refer to the written statement which constituted or accompanied the denial.~~

~~(2) After receiving a written request for review of a decision denying inspection of a public record, the director, or designee, will either affirm or reverse the denial by the end of the second business day following receipt according to RCW 42.56.520. This shall constitute final action.))~~ **(1) Petition for internal administrative review of denial of access.** Any person who objects to the initial denial or partial denial of a records request may petition in writing (including e-mail) to the public records officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the public records officer or designee denying the request.

(2) Consideration of petition for review. The public records officer shall promptly provide the petition and any other relevant information to the director. The director will immediately consider the petition and either affirm or reverse the denial within two business days following the office's receipt of the petition, or within such other time as the office and the requestor mutually agree to.

(3) Review by the attorney general's office. Pursuant to RCW 42.56.530, if the office denies a requestor access to public records because it claims the record is exempt in whole or in part from disclosure, the requestor may request the attorney general's office to review the matter. The attorney general has adopted rules on such requests in WAC 44-06-160.

(4) Judicial review. Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- | | |
|----------------|-----------------------------------------------|
| WAC 286-06-045 | Office and the salmon recovery funding board. |
| WAC 286-06-065 | Indexes. |
| WAC 286-06-120 | Protection of public records. |

WSR 14-19-117

PROPOSED RULES

HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed September 17, 2014, 9:47 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 12-14-100.

Title of Rule and Other Identifying Information: Chapter 182-531A WAC, Applied behavior analysis.

Hearing Location(s): Health Care Authority (HCA), Cherry Street Plaza Building, Conference Room, 626 8th Avenue, Olympia, WA 98504 (metered public parking is available street side around building. A map is available at http://www.hca.wa.gov/documents/directions_to_csp.pdf or

directions can be obtained by calling (360) 725-1000), on October 21, 2014, at 10:00 a.m.

Date of Intended Adoption: Not sooner than October 22, 2014.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 45504, Olympia, WA 98504-5504, delivery 626 8th Avenue, Olympia, WA 98504, e-mail arc@hca.wa.gov, fax (360) 586-9727, by October 21, 2014, at 5:00 p.m.

Assistance for Persons with Disabilities: Contact Kelly Richters by October 20, 2014, at 10:00 a.m., TTY (800) 848-5429 or (360) 725-1307 or e-mail kelly.richters@hca.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: In response to a court-approved settlement agreement, the agency is adopting chapter 182-531A WAC concerning coverage for applied behavioral [behavior] analysis (ABA) services for children with autism spectrum disorders. The new rules address prior authorization for services, evaluating and prescribing provider requirements, ABA provider requirements, payment, and related issues.

Chapter 182-531A WAC will enact on a permanent basis revisions to emergency amendments to WAC 182-531-1410, 182-531-1412, 182-531-1414, 182-531-1416, 182-531-1418, 182-531-1420, 182-531-1422, 182-531-1424, 182-531-1426, 182-531-1428, 182-531-1430, 182-531-1432, 182-531-1434, and 182-531-1436 that were published as WSR 14-18-010.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Statute Being Implemented: RCW 41.05.021.

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

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Mick Pettersen, HCA, P.O. Box 42716, Olympia, WA, (360) 725-1842; Implementation and Enforcement: Gail Kreiger, HCA, P.O. Box 45506, Olympia, WA, (360) 725-1681.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The agency has analyzed the proposed rule and concludes that it does not impose more than minor costs for affected small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to HCA rules unless requested by the joint administrative rules review committee or applied voluntarily.

September 17, 2014

Kevin M. Sullivan

Rules Coordinator

Chapter 182-531A WAC

APPLIED BEHAVIOR ANALYSIS

NEW SECTION

WAC 182-531A-0100 Applied behavior analysis (ABA)—Purpose. Applied behavior analysis (ABA) assists children and their families to improve the core symptoms associated with autism spectrum disorders or other developmental disabilities for which there is evidence ABA is effective.

tive, per WAC 182-501-0165. ABA services support learning, skill development, and assistance in any of the following areas or domains: Social, behavior, adaptive, motor, vocational, or cognitive.

NEW SECTION

WAC 182-531A-0200 Applied behavior analysis (ABA)—Definitions. The following definitions and those found in chapter 182-500 WAC, medical definitions, and chapter 182-531 WAC, physician-related services, apply throughout this chapter.

Applied behavior analysis or ABA - Applied behavior analysis (ABA) is an empirically validated approach to improve behavior and skills related to core impairments associated with autism and a number of other developmental disabilities. ABA involves the systematic application of scientifically validated principles of human behavior to change inappropriate behaviors. ABA uses scientific methods to reliably demonstrate that behavioral improvements are caused by the prescribed interventions. ABA's focus on social significance promotes a family-centered and whole-life approach to intervention. Common methods used include: Assessment of behavior, caregiver interviews, direct observation, and collection of data on targeted behaviors. A single-case design is used to demonstrate the relationship between the environment and behavior as a means to implement client-specific ABA therapy treatment plans with specific goals and promote lasting change. ABA also includes the implementation of a functional behavior assessment to identify environmental variables that maintain challenging behavior and allow for more effective interventions to be developed that reduce challenging behaviors and teach appropriate replacement behaviors.

Autism spectrum disorder (ASD) - A condition, as defined by the most current *Diagnostic and Statistical Manual of Mental Disorders* (DSM) criteria.

Autism spectrum disorder (ASD) diagnostic tool - A validated tool used to establish the presence (or absence) of autism and to make a definitive diagnosis which will be the basis for treatment decisions and assist in the development of a multidisciplinary clinical treatment plan. Examples of autism diagnostic tools include:

- (a) Autism Diagnosis Interview (ADI); and
- (b) Autism Diagnostic Observation Schedule (ADOS).

Autism spectrum disorder (ASD) screening tool - A tool used to detect ASD indicators or risk factors which then require confirmation. Examples of screening tools include, but are not limited to:

- (a) Ages and Stages Questionnaire (ASQ);
- (b) Communication and Symbolic Behavior Scales (CSBS);
- (c) Parent's Evaluation and Developmental Status (PEDS);
- (d) Modified Checklist for Autism in Toddlers (MCHAT); and
- (e) Screening Tools for Autism in Toddlers and young children (STAT).

Centers of excellence (COE) - A hospital, medical center, or other health care provider that establishes or confirms

the diagnosis of an autism spectrum disorder and develops the multidisciplinary clinical treatment plan and that has been designated by the agency as a center of excellence.

Family member - A child's parent, guardian, caregiver, or other support person.

Qualifying diagnosis - A diagnosis of an ASD, as defined by the most current DSM version or other developmental disability for which there is evidence ABA is effective.

NEW SECTION

WAC 182-531A-0300 Applied behavior analysis (ABA)—Threshold requirements. The medicaid agency pays for ABA services when the services are:

- (1) Covered;
- (2) Medically necessary;
- (3) Within the scope of the eligible client's medical care program;
- (4) Provided to clients who meet the criteria in WAC 182-531A-0400;
- (5) Within currently accepted standards of evidence-based medical practice;
- (6) Not replicative of ABA services paid for by other state agencies using medicaid funds;
- (7) Completed in the stages described in this chapter;
- (8) Provided by qualified health care professionals, as described in this chapter;
- (9) Authorized, as required within this chapter, chapters 182-501 and 182-502 WAC, and the agency's *Applied Behavior Analysis Provider Guide*; and
- (10) Billed according to this chapter, chapters 182-501 and 182-502 WAC, and the agency's *Applied Behavior Analysis Provider Guide*.

NEW SECTION

WAC 182-531A-0400 Applied behavior analysis (ABA)—Client eligibility. To be eligible for applied behavior analysis (ABA) services, a client must:

- (1) Be under twenty-one years of age;
- (2) Be covered under Washington apple health (WAH);
- (3) Provide documentation created by a clinician that:
 - (a) Establishes the presence of functional impairment; delay in communication, behavior, or social interaction; or repetitive or stereotyped behavior;
 - (b) Establishes that the client's behaviors adversely affect development or communication, or both, such that:
 - (i) The client cannot adequately participate in home, school, or community activities because the behavior or skill deficit interferes with these activities; or
 - (ii) The child's behavior endangers the child or another, or impedes access to home and community activities available to other children of the same age; and
 - (c) An agency-recognized center of excellence (COE) has confirmed that:
 - (i) The child meets all requirements in (a) and (b) of this subsection;
 - (ii) The child has a qualifying diagnosis;

(iii) There is a reasonable calculation the requested services will result in measurable improvement in either the client's behavior, skills, or both; and

(iv) Either:

(A) Less intrusive or less intensive behavioral interventions have been tried and have not been successful; or

(B) No equally effective and substantially less costly alternative is available for reducing interfering behaviors, increasing prosocial skills and behaviors, or maintaining desired behaviors.

NEW SECTION

WAC 182-531A-0500 Applied behavior analysis (ABA)—Stage one: COE evaluation and order. (1) Any person may refer a client suspected of meeting the criteria in WAC 182-531A-0400 to a center of excellence (COE) for an evaluation.

(2) The COE must complete a comprehensive diagnostic evaluation and create a multidisciplinary clinical treatment plan that includes:

(a) Documentation showing how the diagnosis was made or confirmed by a COE physician or psychologist that includes:

(i) Results of formal diagnostic procedures performed by a clinician, including name of measure, dates, and results, as available; or

(ii) Clinical findings and observations used to confirm the diagnosis;

(b) Documentation showing that the client's behaviors or skill deficits adversely affect on development or communication, or demonstrating injurious behavior, such that:

(i) The client cannot adequately participate in home, school, or community activities because behavior or skill deficit interferes with these activities; or

(ii) The client presents a safety risk to self or others;

(c) Documentation showing that, if applied behavior analysis (ABA) is included in the multidisciplinary clinical treatment plan:

(i) Less intrusive or less intensive behavioral interventions have been tried and were not successful; and

(ii) There is no equally effective alternative available for reducing interfering behaviors, increasing prosocial behaviors, or maintaining desired behaviors;

(d) Recommendations that address all of the child's health care needs;

(e) A statement that the evaluating and prescribing provider believes that there is a reasonable calculation that the requested ABA services will result in measurable improvement in the client's behavior or skills; and

(f) An order for ABA services. If ordered, a copy of the COE's comprehensive diagnostic evaluation and multidisciplinary clinical treatment plan must be forwarded to the ABA provider selected by the child's guardian under this chapter or provided to the child's guardian to forward to the selected ABA provider.

(3) The COE must also include the following items, if it possesses a copy:

(a) Results of routine developmental screening performed by the child's primary care provider at well child visits;

(b) Audiology and vision assessment results, or documentation that vision and hearing were determined to be within normal limits during assessment and not a barrier to completing a valid evaluation;

(c) The name of the completed autism screening questionnaire, including date completed and significant results;

(d) Documentation of a formal cognitive or developmental assessment performed by the COE or another qualified clinician, including name of measure, dates, results, and standardized scores providing verbal, nonverbal, and full-scale scores; and

(e) Documentation of a formal adaptive behavior assessment performed by the COE or another qualified clinician, including name of measure, dates, results, and standardized scores providing scores of each domain.

NEW SECTION

WAC 182-531A-0600 Applied behavior analysis (ABA)—Stage two: Functional assessment and treatment plan development. (1) If the center of excellence's (COE's) evaluating and prescribing provider has ordered applied behavior analysis (ABA) services, the client may begin stage two - ABA assessment, functional analysis, and ABA therapy treatment plan development.

(2) Prior to implementing the ABA therapy treatment plan, the ABA provider must receive prior authorization from the agency. The prior authorization request, including the assessment and ABA therapy treatment plan, must be received by the agency within sixty days of the family scheduling the functional assessment.

(3) The child's legal guardian selects the ABA provider and the setting in which services will be rendered. ABA services may be rendered in one of the following settings:

(a) Day services program, which mean an agency-approved, outpatient facility or clinic-based program that:

(i) Employs or contracts with a lead behavior analysis therapist (LBAT), therapy assistant, speech therapist, and if clinically indicated, an occupational therapist, physical therapist, psychologist, medical clinician, and dietician;

(ii) Provides multidisciplinary services in a short-term day treatment program setting;

(iii) Delivers comprehensive intensive services;

(iv) Embeds early, intensive behavioral interventions in a developmentally appropriate context;

(v) Provides an individualized developmentally appropriate ABA therapy treatment plan for each child; and

(vi) Includes family support and training.

(b) Community-based program, which means a program that provides services in a natural setting, such as a school, home, office, or clinic. A community-based program:

(i) May be used after discharge from a day services program (see subsection (3)(a) of this section);

(ii) Provides a developmentally appropriate ABA therapy treatment plan for each child;

(iii) Provides ABA services in the home (wherever the child resides), office, clinic, or community setting, as

required to accomplish the goals in the ABA therapy treatment plan. Examples of community settings are: A park, restaurant, child care, early childhood education, or school and must be included in the ABA therapy treatment plan with services being provided by the enrolled LBAT or therapy assistant approved to provide services via authorization;

(iv) Requires recertification of medical necessity through continued authorization; and

(v) Includes family education, support, and training.

(4) An assessment, as described in this chapter, must be conducted and an ABA therapy treatment plan developed by an LBAT in the setting chosen by the child's legal guardian. The ABA therapy treatment plan must follow the agency's ABA therapy treatment plan report template and:

(a) Be signed by the LBAT responsible for the plan development and oversight;

(b) Run for three or six months, based on the LBAT's judgement, and correlate with the COE's current diagnostic evaluation (see WAC 182-531-1418(2));

(c) Address each behavior, skill deficit, and symptom that prevents the child from adequately participating in home, school, community activities, or that presents a safety risk to the child or others;

(d) Be individualized;

(e) Be client-centered, family-focused, community-based, culturally competent, and minimally intrusive;

(f) Take into account all school or other community resources available to the client, confirm that the requested services are not redundant, but are in coordination with, other services already being provided or otherwise available, and coordinate services (e.g., from school and special education or from early intervention programs and early intervention providers) with other interventions and treatments (e.g., speech therapy, occupational therapy, physical therapy, family counseling, and medication management);

(g) Focus on family engagement and training;

(h) Identify and describe in detail the targeted behaviors and symptoms;

(i) Include objective, baseline measurement levels for each target behavior/symptom in terms of frequency, intensity, and duration, including use of curriculum-based measures, single-case studies, or other generally accepted assessment tools;

(j) Include a comprehensive description of treatment interventions, or type of treatment interventions, and techniques specific to each of the targeted behaviors/symptoms, (e.g., discrete trial training, reinforcement, picture exchange, communication systems) including documentation of the number of service hours, in terms of frequency and duration, for each intervention;

(k) Establish treatment goals and objective measures of progress for each intervention specified to be accomplished in the three- to six-month treatment period;

(l) Incorporate strategies for generalized learning skills;

(m) Integrate family education, goals, training, support services, and modeling and coaching family/child interaction;

(n) Incorporate strategies for coordinating treatment with school-based special education programs and community-based early intervention programs, and plan for transition

through a continuum of treatments, services, and settings; and

(o) Include measurable discharge criteria and a discharge plan.

NEW SECTION

WAC 182-531A-0700 Applied behavior analysis (ABA)—Stage three: Delivery of ABA services. (1) Applied behavioral analysis must be prior authorized (PA) before delivery. To request PA, submit the following documents to the agency:

(a) The comprehensive diagnostic evaluation and multidisciplinary clinical treatment plan completed by the center of excellence (COE) described in this chapter;

(b) The ABA assessment and ABA therapy treatment plan described in this chapter; and

(c) Other documents required as described in the agency's ABA provider guide.

(2) After the services are prior authorized, the ABA therapy treatment plan is implemented by the lead behavior analysis therapist (LBAT) or a therapy assistant in conjunction with other care team members. The LBAT is responsible for communicating and collaborating with other care team members to ensure consistency in approaches to achieve treatment goals.

(3) If services are rendered by a therapy assistant, the therapy assistant must:

(a) Assess the client's response to techniques and report that response to the LBAT;

(b) Provide direct on-site services in the client's natural setting found in the home, office, clinic, or community, or in the day services program;

(c) Be supervised directly by an LBAT for a minimum of five percent of total direct care per week (e.g., one hour per twenty hours of care);

(d) Consult the LBAT when considering modification to technique, when barriers and challenges occur that prohibit implementation of plan, and as otherwise clinically indicated (see WAC 182-531-1426 for appropriate procedures and physical interventions and WAC 182-531-1428 for prohibited procedures and physical interventions);

(e) Ensure family involvement through modeling, coaching, and training to support generalization and maintenance of achieved behaviors;

(f) Keep documentation of each visit with the client and family to include targeted behavior, interventions, response, modifications in techniques, and a plan for the next visit, along with behavior tracking sheets that record and graph data collected for each visit; and

(g) Maintain documentation of family's confirmation that the visit occurred, recording signature, and date.

NEW SECTION

WAC 182-531A-0800 Applied behavior analysis (ABA)—Provider requirements. (1) **Stage one.** The center of excellence's (COE's) evaluating and prescribing providers must function as a multidisciplinary team whether facility-based or practitioner-based.

(a) The qualifications for a COE are:

(i) The entity or individual employs:

(A) A person or persons licensed under Title 18 RCW who is experienced in the diagnosis and treatment of autism spectrum disorders and has a specialty in one of the following:

- (I) Neurology;
- (II) Pediatric neurology;
- (III) Developmental pediatrics;
- (IV) Psychology;
- (V) Pediatric psychiatry; or
- (VI) Psychiatry; or

(B) A licensed midlevel practitioner (i.e., advanced registered nurse practitioner (ARNP) or physician assistant (PA)) who has been trained by and works under the tutelage of one of the specialists in (a)(i)(A) of this subsection and meets the qualifications in (a)(ii) of this subsection; or

(C) Another qualified medical provider who meets qualifications in (a)(ii) of this subsection and who has been designated as a center of excellence by the agency.

(ii) The entity or individual has been prequalified by the agency as meeting or employing persons meeting the following criteria:

(A) Physicians and psychologists must have demonstrated expertise to diagnose an autism spectrum disorder using a validated diagnostic tool or confirm the diagnosis by observing the client's behavior, interviewing family members, or reviewing the documentation available from the client's primary care provider, the child's individualized education plan (IEP), or individualized family service plan (IFSP); or

(B) Have sufficient experience in or knowledge of the medically necessary use of applied behavior analysis (ABA);

(C) Are sufficiently qualified to conduct and document a comprehensive diagnostic evaluation, and to develop a multi-disciplinary clinical treatment plan as described in WAC 182-531-1418(2); and

(iii) The entity or individual is enrolled with the agency or the client's MCO, unless the client has third-party insurance.

(b) Examples of providers who can qualify and be paid for these services as a designated COE are:

- (i) Multidisciplinary clinics;
- (ii) Individual qualified provider offices; and
- (iii) Neurodevelopmental centers.

(2) All ABA providers must meet the specified minimum qualifications and comply with applicable state laws.

(a) Lead behavior analysis therapist (LBAT).

(i) Requirements.

(A) The LBAT must be:

(I) Licensed by the department of health (DOH) to practice independently as a physician, psychologist, or licensed mental health practitioner under Title 18 RCW in good standing with no license restrictions; or

(II) Employed by or contracted with an agency that is enrolled as a participating provider and licensed by DOH as a hospital, a residential treatment facility, or an in-home services agency and be licensed by DOH to practice independently as a physician, psychologist, licensed mental health practitioner, or credentialed as a counselor, under Title 18 RCW in good standing with no license restrictions; or

(III) Employed or contracted with an agency that is enrolled as a participating provider and licensed by the department of social and health services' division of behavioral health and recovery (DBHR) with certification to provide ABA services, and be able to meet the staff requirements specified in chapter 388-877A WAC.

(B) The LBAT must:

(I) Enroll as a servicing provider and be authorized to supervise ancillary providers; and

(II) Be a board-certified behavior analyst (BCBA) with proof of board certification through the Behavior Analysis Certification Board; or

(III) Have two hundred twenty-five hours of course work related to behavior analysis and either: Seven hundred fifty hours of supervision under a BCBA, or two years of practical experience designing and implementing comprehensive ABA therapy treatment plans. (a)(i)(B)(III) of this subsection is retroactive to January 1, 2013.

(ii) Role. The LBAT must:

(A) Develop and maintain an ABA therapy treatment plan that is comprehensive, incorporating treatment being provided by other health care professionals, and that states how all treatment will be coordinated, as applicable; and

(B) Supervise a minimum of five percent of the total direct care provided by the therapy assistant per week (e.g., one hour per twenty hours of care).

(b) Therapy assistant. Requirements.

(i) Therapy assistants must be:

(A) Able to practice independently by being licensed by DOH as a licensed mental health practitioner or credentialed as a counselor under Title 18 RCW in good standing with no license restrictions; or

(B) Employed by or contracted with an agency that is enrolled as a participating provider and licensed by DOH as a hospital, a residential treatment facility, or an in-home services agency with a home health service category to provide ABA services, and be able to practice independently by being licensed by DOH as a licensed mental health practitioner or credentialed as a counselor under Title 18 RCW in good standing with no license restrictions; or

(C) Employed by or contracted with an agency that is enrolled as a participating provider and licensed by DBHR as a community mental health agency with certification to provide ABA services, and be able to meet the staff requirements specified in chapter 388-877A WAC;

(ii) The therapy assistant must:

(A) Have sixty hours of ABA training that includes applicable ABA principles and techniques, services, and caring for a child with core symptoms of autism; and

(B) Have a written letter of attestation signed by the lead LBAT that the therapy assistant has demonstrated competence in implementing ABA therapy treatment plans and delivering ABA services prior to providing services without supervision to covered clients; and

(C) Enroll as a performing/servicing provider.

(iii) Role. The therapy assistant must:

(A) Deliver services according to the ABA therapy treatment plan; and

(B) Be supervised by an LBAT who meets the requirements in (a)(i) of this subsection; and

(C) Review the client's progress with the LBAT at least every two weeks to confirm that the ABA therapy treatment plan still meets the child's needs. If changes are clinically indicated, they must be made by the LBAT.

(c) Licensure for facility-based day program setting. This applies to the model described in WAC 182-531-1420 (2)(a). Outpatient hospital facilities providing these services must meet the applicable DOH licensure requirements. A clinic or nonhospital-based facility providing these services must be licensed as a community mental health agency by DBHR, as described in chapter 388-877A WAC. A provider rendering direct ABA services must meet the qualifications and applicable licensure or certification requirements as described in this subsection, as applicable. Other providers serving as members of the multidisciplinary care team must be licensed or certified under Title 18 RCW, as required.

NEW SECTION

WAC 182-531A-0900 Applied behavior analysis (ABA)—Covered services. (1) The medicaid agency covers only the following ABA services delivered in settings described in stage two, as noted in WAC 182-531-1420 (1) and (2), for eligible clients:

(a) The ABA assessments to determine the relationship between environmental events and behaviors;

(b) The direct provision of ABA services by the therapy assistant or lead behavior analysis therapist (LBAT);

(c) Initial ABA assessment and development of a written, initial ABA therapy treatment plan, limited to one per year;

(d) Additional ABA assessments and revisions of the initial ABA therapy treatment plan to meet client's needs, limited to four per year;

(e) Supervision of the therapy assistant;

(f) Training and evaluation of family members or caregiver to carry out the approved ABA therapy treatment plans;

(g) Observation of the client's behavior to determine the effectiveness of the approved ABA therapy treatment plan; and

(h) On-site assistance in a difficult or crisis situation.

(2) The agency covers the following services, which may be provided in conjunction with ABA services under other agency programs and be consistent with the program rules in the Washington Administrative Code:

(a) Speech and language therapy;

(b) Occupational therapy;

(c) Physical therapy;

(d) Counseling;

(e) Interpreter services;

(f) Dietician services; and

(g) Transportation services.

(3) The agency does not authorize payment of ABA services if the services are duplicative of services being rendered in another setting.

(4) Limits in amount or frequency of the covered services described in this section are subject to the provisions in WAC 182-501-0169, limitation extension.

NEW SECTION

WAC 182-531A-1000 Applied behavior analysis (ABA)—Noncovered services. The medicaid agency does not cover the following services including, but not limited to:

(1) Autism camps;

(2) Dolphin therapy;

(3) Equine therapy/hippo therapy;

(4) Primarily educational services;

(5) Recreational therapy;

(6) Respite care;

(7) Safety monitoring services;

(8) School-based health care services or early intervention program-based services, unless prior authorized and as described in WAC 182-531-1420 (2)(b)(iii);

(9) Vocational rehabilitation;

(10) Life coaching; and

(11) Treatment that is unproven or investigational (e.g., holding therapy, Higashi (day life therapy), auditory integration therapy).

NEW SECTION

WAC 182-531A-1100 Applied behavior analysis (ABA)—Prior authorization and recertification of ABA services. (1) The medicaid agency requires prior authorization (PA) and recertification of the medical necessity of applied behavior analysis (ABA) services.

(2) Requirements for PA requests are described in WAC 182-531-1422.

(3) The agency may reduce or deny services requested based on medical necessity (refer to subsection (5) of this section) when completing PA or recertification responsibilities.

(4) The following are requirements for recertification of ABA services:

(a) Continued ABA services require the agency's authorization. Authorization is granted in three-month increments, or longer at the agency's discretion;

(b) The lead behavior analysis therapist (LBAT) must request authorization for continuing services three weeks prior to the expiration date of the current authorization. A reevaluation and revised ABA therapy treatment plan documenting the client's progress and showing measurable changes in the frequency, intensity, and duration of the targeted behavior/symptoms addressed in the previously authorized ABA therapy treatment plan must be submitted with this request. Documentation must include:

(i) Projection of eventual outcome;

(ii) Assessment instruments;

(iii) Developmental markers of readiness; and

(iv) Evidence of coordination with providers.

(c) When completing recertification responsibilities, the agency may request another evaluation from the COE to obtain that provider's review and recommendation. This COE provider must review the ABA therapy treatment plan, conduct a face-to-face visit with the child, facilitate a multidisciplinary record review of the client's progress, hold a family conference, or request a second opinion before recommending continued ABA services. Services will continue pending recertification.

(d) When completing recertification responsibilities, the agency may retroactively authorize dates of service. Services will continue pending recertification.

(5) Basis for denial or reduction of services includes, but is not limited to, the following:

(a) Lack of medical necessity, for example:

(i) Failure to respond to ABA services, even after trying different ABA techniques and approaches, if applicable; or

(ii) Absence of meaningful, measurable, functional improvement changes or progress has plateaued without documentation of significant interfering events (e.g., serious physical illness, major family disruption, change of residence), if applicable. For changes to be meaningful they must be:

(A) Confirmed through data;

(B) Documented in charts and graphs;

(C) Durable over time beyond the end of the actual treatment session; and

(D) Generalizable outside of the treatment setting to the client's residence and the larger community within which the client resides; or

(b) Noncompliance as demonstrated by a pattern of failure of the family to:

(i) Keep appointments;

(ii) Attend treatment sessions;

(iii) Attend scheduled family training sessions;

(iv) Complete homework assignments; and

(v) Apply training as directed by the therapy assistant or LBAT. Absences that are reasonably justified (e.g., illness) are not considered part of the pattern.

NEW SECTION

WAC 182-531A-1200 Applied behavior analysis (ABA)—Services provided via telemedicine. Telemedicine, as defined in WAC 182-531-1730, may be used to provide the following authorized services:

(1) Program supervision when the client is present; and

(2) Family training, which does not require the client's presence.

WSR 14-19-118

PROPOSED RULES

HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed September 17, 2014, 9:49 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-15-085.

Title of Rule and Other Identifying Information: New WAC 182-550-3850 Adjustments to inpatient rates; and amending WAC 182-550-7500 OPPS rate.

Hearing Location(s): Health Care Authority (HCA), Cherry Street Plaza Building, Conference Room, 626 8th Avenue, Olympia, WA 98504 (metered public parking is available street side around building. A map is available at http://www.hca.wa.gov/documents/directions_to_csp.pdf or

directions can be obtained by calling (360) 725-1000), on October 21, 2014, at 10:00 a.m.

Date of Intended Adoption: Not sooner than October 21, 2014.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 45504, Olympia, WA 98504-5504, delivery 626 8th Avenue, Olympia, WA 98504, e-mail arc@hca.wa.gov, fax (360) 586-9727, by 5:00 p.m. on October 21, 2014.

Assistance for Persons with Disabilities: Contact Kelly Richters by October 13, 2014, TTY (800) 848-5429 or (360) 725-1307 or e-mail kelly.richters@hca.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: HCA is making changes to hospital rules to allow for payment increases under the sole community hospital program and to allow for updates to inpatient conversion factors due to annual medical education and wage index changes.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Statute Being Implemented: RCW 41.05.021.

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

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Jason R. P. Crabbe, Olympia, Washington 98501-2716, (360) 725-1346; Implementation and Enforcement: Dylan Oxford, Olympia, Washington 98504-5500, (360) 725-2130.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The joint administrative [rules] review committee has not requested the filing of a small business economic impact statement, and these rules do not impose a disproportionate cost impact on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to HCA rules unless requested by the joint administrative rules review committee or applied voluntarily.

September 17, 2014

Kevin M. Sullivan

Rules Coordinator

NEW SECTION

WAC 182-550-3830 Adjustments to inpatient rates.

(1) The medicaid agency updates all the following components of a hospital's specific diagnosis-related group (DRG) factor and per diem rates between rebasing periods:

(a) Effective July 1st of each year, the agency updates all of the following:

(i) Wage index adjustment;

(ii) Direct graduate medical education (DGME);

(iii) Indirect medical education (IME).

(b) Effective January 1, 2015, the agency updates the sole community hospital adjustment.

(2) The agency does not update the statewide average DRG factor between rebasing periods, except:

(a) To satisfy the budget neutrality conditions in WAC 182-550-3850; and

(b) When directed by the legislature.

(3) The agency updates the wage index to reflect current labor costs in the core-based statistical area (CBSA) where a hospital is located. The agency:

(a) Determines the labor portion by multiplying the base factor or rate by the labor factor established by medicare; then

(b) Multiplies the amount in (a) of this subsection by the most recent wage index information published by the centers for medicare and medicaid services (CMS) when the rates are set; then

(c) Adds the nonlabor portion of the base rate to the amount in (b) of this subsection to produce a hospital-specific wage adjusted factor.

(4) DGME. The agency obtains DGME information from the hospital's most recently filed medicare cost report that is available in the CMS health care cost report information system (HCRIS) dataset.

(a) The hospital's medicare cost report must cover a period of twelve consecutive months in its medicare cost report year.

(b) If a hospital's medicare cost report is not available on HCRIS, the agency may use the CMS Form 2552-10 to calculate DGME.

(c) In the case where a hospital has not submitted a CMS medicare cost report in more than eighteen months from the end of the hospital's cost reporting period, the agency considers the current DGME costs to be zero.

(d) The agency calculates the hospital-specific DGME by dividing the DGME cost reported on worksheet B, part 1 of the CMS cost report by the adjusted total costs from the CMS cost report.

(5) IME. The agency sets the IME adjustment equal to the "IME adjustment factor for Operating PPS" available in the most recent CMS final rule impact file available on CMS's web site as of May 1st of the rate-setting year.

(6)(a) Effective January 1, 2015, the agency multiplies the hospital's specific conversion factor and per diem rates by 1.25 if the hospital meets the agency's sole community hospital criteria in this subsection.

(b) The agency considers an in-state hospital to be a sole community hospital if all of the following conditions apply. The hospital must:

(i) Be certified by CMS as a sole community hospital as of January 1, 2013.

(ii) Have a level III adult trauma service designation from the department of health as of January 1, 2014.

(iii) Have less than one hundred fifty acute care licensed beds in fiscal year 2011.

(iv) Be owned and operated by the state or a political subdivision.

(v) Not qualify for the certified public expenditures (CPE) payment program defined in WAC 182-550-4650.

AMENDATORY SECTION (Amending WSR 14-14-049, filed 6/25/14, effective 7/26/14)

WAC 182-550-7500 OPPTS rate. (1) The medicaid agency calculates hospital-specific outpatient prospective payment system (OPPS) rates using all of the following:

(a) A base conversion factor established by the agency;

~~(b) ((The latest wage index information established and published by the centers for medicare and medicaid services (CMS) at the time the OPPTS rates are set for the upcoming year. Wage index information reflects labor costs in the cost-based statistical area (CBSA) where a hospital is located; and~~

~~(e)) An adjustment for direct graduate medical education ~~((GME))~~ DGME; and~~

~~(c) The latest wage index information established and published by the centers for medicare and medicaid services (CMS) when the OPPTS rates are set for the upcoming year. Wage index information reflects labor costs in the cost-based statistical area (CBSA) where a hospital is located.~~

(2) Base conversion factors. The agency calculates the ~~((average, or))~~ base ~~(-)~~ enhanced ambulatory patient group (EAPG) conversion factor during a hospital payment system rebasing. The base is calculated as the maximum amount that can be used, along with all other payment factors and adjustments described in this chapter, to maintain aggregate payments across the system. The agency will publish base conversion factors on its web site.

(3) Wage index adjustments reflect labor costs in the CBSA where a hospital is located.

(a) The agency determines the labor portion of the base rate by multiplying the base ~~((factor or))~~ rate by the labor factor established by medicare; then

(b) Multiplied the amount in (a) of this subsection is multiplied by the most recent wage index information published by CMS ~~((at the time))~~ when the rates are set; then

(c) The agency adds the nonlabor portion of the base rate to the amount in (b) of this subsection to produce a hospital-specific wage adjusted factor.

(4) ~~((GME))~~ DGME. The agency obtains the ~~((GME))~~ DGME information from the hospital's most recently filed medicare cost report as available in the CMS health care cost report information system (HCRIS) dataset.

(a) The hospital's medicare cost report must cover a period of twelve consecutive months in its medicare cost report year.

(b) If a hospital's medicare cost report is not available on HCRIS, the agency may use the CMS Form 2552-10 to calculate ~~((GME))~~ DGME.

(c) In the case where a hospital has not submitted a CMS medicare cost report in ~~((greater))~~ more than eighteen months from the end of the hospital's cost reporting period, the agency may remove the hospital's ~~((GME))~~ DGME adjustment.

(d) The agency calculates the hospital-specific ~~((GME))~~ DGME by dividing the ~~((durable medical equipment))~~ DGME cost reported on worksheet B, part 1 of the CMS cost report by the adjusted total costs from the CMS cost report.

(5) The formula for calculating the hospital's final specific conversion factor is:

EAPG base rate x (.6(wage index) + .4)/(1-~~((GME))~~ DGME)

(6) Effective January 1, 2015, the agency multiplies the hospital's specific conversion factor by 1.25 if the hospital meets the agency's sole community hospital criteria listed in (a) of this subsection.

(a) The agency considers an in-state hospital a sole community hospital if all the following conditions apply. The hospital must:

(i) Be certified by CMS as a sole community hospital as of January 1, 2013.

(ii) Have a level III adult trauma service designation from the department of health as of January 1, 2014.

(iii) Have less than one hundred fifty acute care licensed beds in fiscal year 2011.

(iv) Be owned and operated by the state or a political subdivision.

(b) The formula for calculating a sole community hospital's final conversion factor is:

[EAPG base rate x (.6(wage index) + .4)/(1-DGME)] x 1.25

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 14-19-120

PROPOSED RULES

EASTERN WASHINGTON UNIVERSITY

[Filed September 17, 2014, 10:02 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-15-094.

Title of Rule and Other Identifying Information: Revising chapter 172-64 WAC, Alcohol policy at Eastern Washington University, to update rules and associated procedures related to the use of alcohol on property owned or controlled by Eastern Washington University.

Hearing Location(s): Eastern Washington University, Main Campus, Showalter Hall, Room 201, Cheney, Washington 99004, on November 5, 2014, at 11:00 a.m.

Date of Intended Adoption: November 21, 2014.

Submit Written Comments to: University Policy Administrator, 214 Showalter Hall, Cheney, WA 99004, e-mail tlutey@ewu.edu, fax (509) 359-7036, by November 4, 2014.

Assistance for Persons with Disabilities: Contact Trent Lutey by November 4, 2014, (509) 359-6322.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These revisions are needed to update university standards and processes concerning the use of alcohol on property owned or controlled by Eastern Washington University. These changes are needed to update existing rules in order to better comply with state laws and to better reflect current practice.

Statutory Authority for Adoption: RCW 28B.35.120 (12).

Statute Being Implemented: Not applicable.

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

Name of Agency Personnel Responsible for Drafting: Trent Lutey, 214 Showalter, Cheney, WA 99004, (509) 359-6322; Implementation and Enforcement: Laurie Connelly, 214 Showalter, Cheney, WA 99004, (509) 359-2371.

No small business economic impact statement has been prepared under chapter 19.85 RCW. WAC revision does not impose a disproportionate impact on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. Chapter 172-121 WAC is not considered a significant legislative rule by Eastern Washington University.

September 17, 2014

Trent Lutey

University Policy Administrator

AMENDATORY SECTION (Amending WSR 03-18-070, filed 8/29/03, effective 9/29/03)

WAC 172-64-010 ((Statement of purpose.)) Policy. ~~((The purpose of this policy is to further the university mission by creating a safe environment for student learning. To accomplish this, the university will support the enforcement of federal, state, and local laws, as well as its own alcohol and drug policies and procedures. The university will also encourage university functions in a controlled environment that reduces risk and creates positive experiences. This policy recognizes community standards of responsibility and accountability in the use of alcohol and the expectation that individuals have a right to learn, to work, and to live free from the disruptions and consequences of alcohol abuse by others. It is the responsibility of every member of the university community to know the risks associated with the use and abuse of alcohol and to assist the university, its faculty, staff, administrators, and students in creating an environment that promotes health-enhancing attitudes and activities.))~~ Alcoholic beverages may be possessed, sold, served, and/or consumed on university owned or operated property and/or at university sponsored events and activities only as provided for in this chapter.

Members of the university community are responsible for complying with these rules as well as all state laws regarding the use, possession and/or distribution of alcohol.

The university will respond to reported or suspected violations of these rules and take appropriate action, up to and including referral to law enforcement agencies for criminal prosecution.

University employees, students, and student organizations are subject to disciplinary action for violations of these rules and associated state laws, local ordinances, and university policies.

AMENDATORY SECTION (Amending WSR 03-18-070, filed 8/29/03, effective 9/29/03)

WAC 172-64-020 ((Introduction.)) Alcohol use in university residence halls. ~~((At Eastern Washington University, diversity of opinion and freedom of choice involves the exercise of personal responsibility that includes the obligation to make sound judgments regarding the use of alcohol. This alcohol policy was developed by a community-wide committee of faculty, administrators, students, and Cheney and Spokane community members as a reasonable set of standards to enhance a positive campus environment. These rules and regulations are an important and necessary part of the overall commitment of a comprehensive alcohol educa-~~

tion program at EWU. In addition to these guidelines, the most important factor in the reduction of alcohol-related problems is the human capacity to act responsibly. Therefore, the university has an expectation that individuals and groups know and understand the risk and liability associated with the consumption of alcoholic beverages.)) (1) Applicability. This section establishes rules for alcoholic beverages in residence halls that are owned or operated by Eastern Washington University.

(2) General policy. Persons, who are at least twenty-one years old, may possess and consume alcoholic beverages in the privacy of individual residence hall rooms subject to the requirements of this section.

(3) Restrictions.

(a) Consumption of alcoholic beverages is prohibited in any areas of residence halls outside of individual rooms including, but not limited to, hallways, entrances, corridors, lounges, and reception areas.

(b) Doors to individual residence hall rooms must remain closed while alcohol is being consumed.

(c) Kegs, common source containers, and nonalcoholic brews such as "near beer" are prohibited.

(d) Selling or providing alcohol to minors is prohibited.

(e) Alcohol is prohibited in any residence hall room where any student living in the room is under twenty-one years old, regardless of whether the under-age student is present or not.

(f) Alcohol may not be consumed in any room where any person present is under twenty-one years old.

(g) Alcohol may not be consumed in any area designated as alcohol-free housing.

(h) Residents in Brewster Hall, who are at least twenty-one years old, may have alcohol in their individual room but not in their common room areas if any of their suitemates are under twenty-one.

(i) Vendors may not deliver alcohol to residence halls or any other campus area except as provided for in WAC 172-64-090.

(j) Alcohol must not be visible to the public when carried into a residence hall.

(k) Alcohol containers may not be used as decorative pieces in residence halls.

(l) Students shall comply with reasonable requests by university staff to provide identification, proof of age, and/or show contents of a container when requested.

(m) Possession and consumption of alcohol in the privacy of individual residence hall rooms must not infringe on the privacy and peace of other individuals.

(n) Residence hall or housing funds may not be used to purchase alcoholic beverages.

(4) Roommate preference. A student planning to live in a residence hall may indicate their preference for a roommate who drinks alcohol or one who does not. Whenever possible, such requests will be honored by university housing officials.

(5) Alcohol-free housing. Per RCW 28B.10.575, the university shall notify all students applying for student housing of the availability of housing where all alcoholic beverage use is prohibited. The university shall accommodate student requests for alcohol-free housing.

(6) Awareness.

(a) Each residence hall will hold a quarterly meeting for hall residents for the express purpose of discussing university rules regarding possession and consumption of alcohol.

(b) These rules, and related laws, ordinances, and university policies, will be conspicuously posted in each residence hall.

AMENDATORY SECTION (Amending WSR 03-18-070, filed 8/29/03, effective 9/29/03)

WAC 172-64-030 ((Policy statement.)) Alcohol use in private university residences. ((Eastern Washington University allows the legal use, possession, and distribution of alcohol on campus under the conditions stipulated in this policy and complies with and upholds all federal, state, and local laws that regulate or prohibit the possession, use, or distribution of alcohol. Violations of such laws that come to the attention of university officials will be addressed within the university or through prosecution in the courts, or both. All university faculty, staff, administrators, and students are hereby notified of the following standards of conduct that the university will apply to all activities conducted on university owned property and at university sponsored events. Furthermore, these standards will apply to all guests on university owned property and at university sponsored events. It is the responsibility of all members of the university community to familiarize themselves and their guests with relevant federal, state, and local laws as well as the following standards, procedures, and guidelines for the possession, use, and distribution of alcohol, and act accordingly.)) Persons of legal age may possess, consume, and/or serve alcohol inside university-owned buildings other than residence halls when the buildings are being used as private residence, such as university apartments and the University House.

AMENDATORY SECTION (Amending WSR 03-18-070, filed 8/29/03, effective 9/29/03)

WAC 172-64-040 ((Washington state law.)) Alcohol use at on- or off-campus events. ((Members of the university community are responsible for the observance of state and federal laws including those that apply to alcohol. Some of the laws most relevant to the university community are the following:

~~(1) It is unlawful:~~

~~(a) For anyone under twenty-one years of age to possess alcohol (RCW 66.44.270);~~

~~(b) To sell, purchase, deliver, or furnish alcohol, except a parent or legal guardian, to anyone under twenty-one years of age (RCW 66.44.270);~~

~~(c) To sell, purchase, deliver, or furnish alcohol to an intoxicated person (RCW 66.44.200);~~

~~(d) To consume alcohol in a public place, exceptions defined in RCW 66.44.100;~~

~~(e) To misrepresent one's age to obtain alcohol (RCW 66.44.310);~~

~~(f) To drive under the influence of alcohol (RCW 46.61.502 and 46.61.503).~~

(2) Driving under the influence:

(a) It is unlawful to drive if your blood or breath alcohol concentration (BAC) meets or exceeds 0.08 percent or under the influence of drugs (RCW 46.61.502);

(b) It is unlawful to drive if alcohol has impaired your ability to drive safely, even if your BAC is under the legal limit (RCW 46.61.503);

(c) For a person under the age of twenty one, it is unlawful to drive if your blood or BAC meets or exceeds 0.02 percent (RCW 46.61.503);

(3) Open container law:

(a) Alcoholic beverages may not be consumed in a vehicle nor be carried within reach of the driver or passengers. Open containers may be carried in a trunk or nonpassenger areas (not glove boxes). Does not apply to vehicles commercially chartered by groups or to the living quarters of motor homes or campers (RCW 66.44.100 and 46.61.519); (1) Applicability. This section establishes rules for possessing, consuming, selling, and/or serving alcoholic beverages:

(a) At events on university-owned or operated property, regardless of whether the event is sponsored by the university and regardless of whether event sponsors are affiliated with the university; and

(b) At off-campus events that are sponsored, in whole or in part, by the university.

(2) Sponsor requirements. Sponsors of an event, as described in subsection (1) of this section, where alcohol is to be possessed, sold, served and/or consumed, must comply with the following requirements:

(a) Obtain written permission from the appropriate official(s):

(i) Student clubs and organizations must obtain permission from the student activities office;

(ii) For all other requests, sponsors must obtain permission from the vice-president for business and finance or designee;

(b) Contact event planning to request a banquet permit or a special occasion license per WAC 172-64-070;

(c) Comply with all Washington state laws, chapter 172-64 WAC, all other university rules and policies; and any additional instructions provided to the event/activity sponsor as a condition of approval;

(d) Ensure Washington state alcohol serving requirements are enforced;

(i) Event sponsors must ensure that all persons designated to serve alcohol are at least twenty-one years old and have received alcohol server training.

(ii) Event sponsors must ensure that servers check ID and do not serve alcohol to any person who is under twenty-one years old or who appears intoxicated;

(e) Prohibit serving alcohol during normal, university business hours unless an exception has been granted as part of the request under (a) of this subsection;

(f) Prohibit persons from bringing alcoholic beverages into the event unless specifically authorized by the banquet permit or special occasion license;

(g) Prohibit persons from taking alcoholic beverages outside of the approved alcohol use area, except for beer/wine in the original unopened container that is sold or auc-

tioned for off-premises consumption as specifically authorized by a special occasion license;

(h) Provide nonalcoholic beverages at the same place as alcoholic beverages and feature nonalcoholic beverages at least as prominently as alcoholic beverages; and

(i) For an event on university owned or operated property, inform university police of the event and consult with the university police about appropriate security measures as provided for in subsection (5) of this section.

(3) Publicity and advertising.

(a) Events conducted under a banquet permit are by invitation only and may not be advertised to the public.

(b) All announcements and advertisements concerning an event including, but not limited to, flyers, notices, posters, banners, tee-shirts and newspaper and radio announcements, must:

(i) Note the availability of nonalcoholic beverages at least as prominently as the availability of alcoholic beverages;

(ii) State that proper identification is required in order to be served or sold alcoholic beverages; and

(iii) Not make reference to the amount of alcoholic beverages available at the event.

(c) All announcements and advertisements, as well as any promotions of specific alcoholic beverage brands at the event:

(i) Must not make reference to any form of drinking contest. Drinking contests and similar activities which encourage the rapid and/or excessive consumption of alcoholic beverages are prohibited;

(ii) Must not portray drinking as a solution to personal or academic problems or as necessary to social, sexual, or academic success; and

(iii) Must not encourage any form of alcohol abuse or place emphasis on quantity or frequency of consumption.

(4) Gifts, awards, and rewards. Alcoholic beverages may not be provided as gifts or awards to any person as part of any event conducted under a special occasion license.

(5) Security measures. The university police shall determine appropriate security measures to be taken for on-campus events where alcohol is to be possessed, consumed, sold and/or served. University police shall coordinate with the events' sponsor and appropriate university personnel to assist in compliance with state laws and university rules.

AMENDATORY SECTION (Amending WSR 03-18-070, filed 8/29/03, effective 9/29/03)

WAC 172-64-050 (~~Locations where those of legal drinking age may possess, consume, or serve alcoholic beverages.~~) **Alcohol use during group field trips.** ((+) Inside individual rooms of residence halls, where all residents of the room are of legal drinking age (whether or not all residents are home), all present in the room are of legal drinking age, and the residence hall is not designated substance free and/or clean and sober.

(2) ~~Inside fraternity and sorority facilities, in accordance with respective national organizational policies and university guidelines.~~

~~(3) Areas owned or controlled by the university, in accordance with the following guidelines for the use, possession, and sale of alcohol.)) (1) This section applies to the possession and consumption of alcoholic beverages by university employees and/or students when participating in a university sponsored or supported group field trip including, but not limited to, group attendance at conferences, conventions, seminars, training, etc.~~

~~(2) During a field trip, employees and students shall not:~~

~~(a) Possess or consume alcohol;~~

~~(b) Transport alcoholic beverages in any vehicle, including personal and rental vehicles, used in support of a field trip.~~

~~(3) Exceptions may be granted if the field trip involves attending a social function where the consumption of alcohol is a cultural expectation. Requests for exceptions must be made to the provost (for academic related events), or to the vice-president for business and finance (for all other events). For approved requests, participants must:~~

~~(a) Comply with all applicable local laws; and~~

~~(b) Comply with all additional requirements and/or instructions provided as a condition of the approval.~~

AMENDATORY SECTION (Amending WSR 03-18-070, filed 8/29/03, effective 9/29/03)

WAC 172-64-060 ((Guidelines for university recognized events serving alcohol.)) Sponsorship by alcohol manufacturers, distributors, and vendors. ((Any person or group of persons holding a function at a location where consumption of alcoholic beverages is permitted under the provisions of this policy shall abide by the following regulations in preparing for and conducting the function. Additional guidelines for serving and consumption of alcoholic beverages may be established by the person or group holding the function.

~~(1) Obtaining permission to serve alcohol:~~

~~(a) Written permission for a function sponsored by an individual or group, at which alcohol will be available, must be obtained from the president or his/her designee, along with a banquet permit application. Decisions regarding the approval or denial of permission to serve alcohol shall be made according to what is deemed to be in the best interest of the institution as expressed by the university mission statement and this policy's statement of purpose. Reasons for denial of a permit may include but are not limited to: Conflict with primary academic use of facilities; performance record of sponsors in prior events; or failure to satisfy guidelines.~~

~~(b) Such approved function shall be subject to the regulations set forth in this policy. Complete information on procedures to obtain permission is available at numerous locations on campus.~~

~~(c) Permission to serve or consume alcohol must be requested seven days prior to the event.~~

~~(2) Proof of age and access to alcohol:~~

~~(a) The person or group(s) holding the event must establish precautionary measures (check identification) at the function to ensure that alcoholic beverages are not served to persons under the legal drinking age or to persons who appear intoxicated.~~

~~(b) At the function, a person (or persons) over the legal drinking age must be designated as the server(s). It is the responsibility of the designated server(s) to enforce proof of age and access to alcohol regulations as outlined in the banquet permit application and this policy.~~

~~(c) The only alcoholic beverages that may be possessed or consumed at the function are those alcoholic beverages served at the function, and the alcoholic beverages must be consumed within the designated area in which the function is held.~~

~~(3) Alternative beverages. Nonalcoholic beverages must be available at the same place as the alcoholic beverages and featured as prominently as the alcoholic beverages.~~

~~(4) Security measures. The university police department shall, when informed of activities and events involving alcoholic beverages, determine appropriate security measures to be taken and coordinated with the events' sponsor and appropriate administrative staff of the university as may be necessary to assist in compliance with state laws and university regulations.~~

~~(5) Publicity and advertising:~~

~~(a) All announcement(s) or advertisement(s), including but not limited to flyer(s), notice(s), poster(s), banner(s), tee-shirts(s) and newspaper and radio announcement(s), concerning the function shall note the availability of nonalcoholic beverages as prominently as the availability of alcoholic beverages; and that proper identification is required in order to be served or sold alcoholic beverages; and must not make reference to the amount of alcoholic beverages available, as, for example, the number of kegs of beer available at the event; nor to any form of drinking contest.~~

~~(b) Advertising which promotes university events must not portray drinking as a solution to personal or academic problems or as necessary to social, sexual, or academic success.~~

~~(c) Promotion of alcoholic beverage brands at the activity must not encourage any form of alcohol abuse nor place emphasis on quantity and frequency of use.~~

~~(d) Alcoholic beverages, such as kegs or cases of beer, shall not be provided as free awards, prizes or rewards, to individual(s) or groups.~~

~~(6) Prohibition of drinking games. Drinking contests or any other activities which encourage the rapid and/or excessive consumption of alcoholic beverages shall not be permitted.)) University groups may accept donations of alcoholic beverages, funds, or other sponsorship from manufacturers, distributors, or vendors of alcoholic beverages, so long as such sponsorship is in compliance with state laws and regulations and has been approved by the vice-president for business and finance.~~

AMENDATORY SECTION (Amending WSR 03-18-070, filed 8/29/03, effective 9/29/03)

WAC 172-64-070 ((Guidelines for the selling of alcohol at university recognized events.)) Banquet permits and special occasion licenses. ((1) Any function sponsored by faculty, staff, administrators, or students or a faculty, staff, administrator, or student group(s) at which alcoholic beverages are sold or served, whether or not the function is open to

the public, may be held in those areas permitted under the provisions of this policy only after a banquet permit and written approval is obtained for such function from the president or his/her designee.

(2) Functions at which alcoholic beverages are sold shall include functions at which alcoholic beverages are served and for which an admission fee is charged, at which cups are sold, at which tickets are sold, at which cash or anything else of value is exchanged for alcoholic beverages, or at which donations are collected by the group, or members thereof, sponsoring the function. Functions open to the public shall be defined as those functions to which the general public has been invited through oral, written, or printed announcement(s), advertisement(s) or invitation(s).

(3) Consideration of all the policy guidelines already outlined must be presented when requesting permission to serve or sell alcohol.) A banquet permit or a special occasion license must be obtained in order to permit alcoholic beverages to be possessed, sold, served, and/or consumed on university owned or operated property and/or at university-sponsored events and activities.

Banquet permits and special occasion licenses have specific rules concerning alcohol serving, sales (including raffles and gifts), event advertising, and related issues as contained in chapters 314-05 and 314-18 WAC.

Event organizers must contact EWU event planning to initiate the process for obtaining a banquet permit or special occasion license. Banquet permits and special occasion licenses are issued by the Washington state liquor control board.

AMENDATORY SECTION (Amending WSR 03-18-070, filed 8/29/03, effective 9/29/03)

WAC 172-64-080 ((Guidelines for university social events in conjunction with alcohol vendors.)) Application for a liquor license. ((Faculty, staff, administrator, or student group(s) may sponsor an activity involving a commercial off-campus vendor involved in the manufacture, distribution, or retail sales of alcoholic beverages. Sponsors of university events may invite vendors of alcoholic beverages to provide and/or sell alcoholic beverages for the event; however, vendors of alcoholic beverages cannot sponsor university activities. University groups(s) and organization(s) may involve the services of a vendor of alcoholic beverages under the following guidelines:

(1) The group(s) sponsoring the activity shall be responsible for all aspects of the activity, including all publicity and advertising.

(2) Advertising and publicity must reflect sole sponsorship of the event as being that of the group(s).

(3) Advertising or announcements (posters, banners, flyers, radio and newspaper advertisements, tee-shirts, etc.) may reflect a vendor's involvement, but must not indicate or convey sponsorship by the vendor.) The board of trustees of Eastern Washington University approves the sale of alcohol on the premises of Eastern Washington University, and reserves the right to subsequently adopt rules and regulations governing the same.

The board of trustees delegates to the university president, or designee, the responsibility for investigating and establishing a program to implement the board's policy of permitting alcohol to be sold on campus. Such program may only be implemented with board approval.

AMENDATORY SECTION (Amending WSR 03-18-070, filed 8/29/03, effective 9/29/03)

WAC 172-64-090 ((Guidelines for off-campus events.)) Alcohol sales and delivery on university owned or operated property. ((University recognized events held off-campus, are expected to abide by the university alcohol policy guidelines for proof of age and access to alcohol; alternative beverages; publicity and advertising; and prohibition of drinking games, in addition to all applicable state laws and local ordinances. Faculty, staff, administrators, students, and their organizations are subject to disciplinary action by the university as it relates to violations of laws, ordinances, and university rules.) Vendors may not sell and/or deliver alcohol on property owned or operated by the university except as is necessary to support a function that has obtained a banquet permit or a special occasion license, or for sales or deliveries to an on-campus entity or business holding a valid liquor license.

AMENDATORY SECTION (Amending WSR 03-18-070, filed 8/29/03, effective 9/29/03)

WAC 172-64-100 ((Guidelines for serving alcohol at nonuniversity sponsored events.)) University enforcement of alcohol policy. ((Any individual or group of individuals who are not affiliated with Eastern Washington University, who wish to use university property for an event (i.e., weddings, community group meetings, etc.), must comply with all state and local laws and with this policy.) The university may take action under this chapter for any violations over which it has jurisdiction.

Violations of this chapter may also be violations of federal, state, or local laws. A person may face criminal and civil prosecution as well as university disciplinary action for violation of these regulations and/or related laws. University enforcement of this chapter may be carried out prior to, simultaneously with, or following civil or criminal proceedings in the courts.

(1) Student violations. Violations of these rules by students and/or recognized student organizations will be reported to the dean of students for possible action under the Student conduct code, chapter 172-121 WAC.

(2) Employee violations. Violations by university employees may result in disciplinary action, up to and including termination of employment, in accordance with applicable rules, collective bargaining agreements, and university policies.

(3) Guest violations. Guests who violate this chapter may be removed from campus or be given a notice against trespass.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 172-64-110	University enforcement of alcohol policy.
WAC 172-64-120	Violations of local, state, and federal law.
WAC 172-64-130	Student violations of the university alcohol policy.
WAC 172-64-140	Employee violations of the university alcohol policy.

WSR 14-19-124**PROPOSED RULES****DEPARTMENT OF AGRICULTURE**

[Filed September 17, 2014, 11:05 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-13-076.

Title of Rule and Other Identifying Information: Direct sellers, the Washington state department of agriculture proposes establishing chapter 16-130 WAC. Legislation signed by the governor on March 27, 2014, created an act related to "direct sellers" of food products. The act provided the authority for the agency to develop rules for the implementation and establishment of the legislation.

Hearing Location(s): Washington State Department of Agriculture, 1111 Washington Street S.E., Natural Resources Building, Second Floor, Room 259, Olympia, WA, on November 3, 2014, at 10:30 a.m.

Date of Intended Adoption: November 17, 2014.

Submit Written Comments to: Allison Alderman, P.O. Box 42560, Olympia, WA 98504-2560, e-mail aalderman@agr.wa.gov, phone (360) 902-1967, by November 3, 2014.

Assistance for Persons with Disabilities: Contact Allison Alderman, e-mail aalderman@agr.wa.gov, by October 27, 2014, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: ESSB 6388 enacted in 2014 established authority under RCW 69.04.345 to establish rules related to the issuance of licenses, fees, recordkeeping and sanitary requirements for businesses to operate as a direct seller of food products. This proposal would be the creation of a new rule to implement the legislation.

Reasons Supporting Proposal: ESSB 6388 enacted in 2014 established authority under chapter 69.04 RCW to establish rules related to the implementation to [of] the legislation. The proposed rule provides businesses operating as a director [direct] seller of food products clarity on requirements for sanitation, recordkeeping, record retention, fees and licensing requirements.

Statutory Authority for Adoption: RCW 69.04.345 and chapter 34.05 RCW.

Statute Being Implemented: RCW 69.04.345.

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

Name of Proponent: [Department of agriculture], governmental.

Name of Agency Personnel Responsible for Drafting: Kirk Robinson, Olympia, Washington, (360) 902-1800; Implementation: Lucy Severs, Olympia, Washington, (360) 725-5761; and Enforcement: Claudia Coles, Olympia, Washington, (206) 321-1124.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the costs associated with implementation of this proposed rule and determined the cost to be no more than minor.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington state department of agriculture is not a listed agency under RCW 34.05.328 (5)(a)(i).

September 17, 2014

Kirk Robinson

Assistant Director

Food Safety and

Consumer Services

Chapter 16-130 WAC**DIRECT SELLERS**NEW SECTION

WAC 16-130-010 Purpose of this chapter. The purpose of this chapter is to implement RCW 69.04.345 by establishing rules relating to the issuance of licenses to operate as a direct seller and to establish the requirements that apply to direct sellers.

NEW SECTION

WAC 16-130-020 Definitions. (1) In addition to the definitions contained in this section, the definitions found in chapters 69.04 and 69.07 RCW, chapters 16-165, 16-167, and 246-215 WAC, and Title 21 of the Code of Federal Regulations may apply.

(2) For the purposes of this chapter, the following definitions apply:

"Department" means the department of agriculture.

"Direct seller" means an entity licensed by the department that receives prepackaged food from a food processor that is either licensed or inspected, or both, by a state or federal regulatory agency or the department and that delivers the food directly to consumers clients who only placed and paid for an order on the entity's web site, as long as:

(a) The food is delivered by the entity without opening the processor's original packaging and without dividing it into smaller packages;

(b) There is no interim storage by the entity; and

(c) The food is delivered by means of vehicles that are equipped with either refrigeration or freezer units, or both, and that meet the requirements of rules authorized by this chapter.

"Director" means the director of the department of agriculture.

"Food handling area" means all premises and facilities utilized for food transport by a direct seller.

NEW SECTION

WAC 16-130-030 Direct seller license applications.

(1) All direct sellers must be licensed annually by the department. Licenses expire on December 31st following issuance except that licenses issued during 2014 will not expire until December 31, 2015.

(2) Applications for new and renewal licenses must be submitted on the form provided by the department, and must include:

- (a) A completed application form;
- (b) The physical address of the business premises within the state of Washington of the direct seller where required records will be maintained;
- (c) A current list of all leased, rented or owned vehicles, other than vehicles that are rented for less than forty-five days, intended for use within Washington state by the direct seller to deliver food; and
- (d) An annual license fee of five thousand four hundred dollars.

(3) The department will not refund license fees after receipt of a direct seller license or renewal license application.

(4) Prior to licensing, the department may inspect the vehicles and food handling areas of the direct seller to determine them to be in compliance with the requirements of chapter 69.04 RCW and this rule.

(5) Until a license is issued by the department, direct sellers must comply with all applicable permitting requirements contained in food service establishment rules adopted by the state board of health and any local health jurisdiction.

(6) To obtain an application for a direct seller license, contact the department at:

Washington State Department of Agriculture
Food Safety Consumer Services Division
P.O. Box 42560
Olympia, WA 98504-2560
Phone: 360-902-1876
Fax: 360-902-2087
Web site: <http://agr.wa.gov>.

NEW SECTION

WAC 16-130-040 Direct sell requirements. (1) The license or a copy of the license must be present in all vehicles and food handling areas utilized by the direct seller.

(2) Direct sellers must maintain all areas of vehicles utilized for food transportation and food handling areas in a sanitary manner. Vehicles and food handling areas must be kept clean and inspected each day by the direct seller.

(3) Direct sellers must keep records to document daily cleaning and sanitary inspections of vehicles and food handling areas. Records of daily vehicle inspections must be maintained with the vehicle for the previous thirty days. Food handling area inspection records and vehicle inspection records older than thirty days must be maintained by the direct seller at the direct seller's business premises for twelve

months. Vehicle and package temperature logs must be maintained by the direct seller at the direct seller's business premises for twelve months.

(4) Direct sellers are required to protect food from contaminations while in transport.

(a) Food must be transported under conditions that protect food against physical, chemical and microbial contamination.

(b) Food must be protected against deterioration of the food and its container.

(c) Food must be kept in a temperature controlled environment to adequately protect the food from deterioration or degradation and to minimize microbial growth. Refrigerated food temperatures must be maintained at forty-one degrees Fahrenheit or below, and frozen food temperatures must be maintained at thirty-two degrees Fahrenheit or below at all times and a food labeled frozen by the food processor must be received frozen by the consumer.

(d) Ensure the separation of raw materials, including raw seafood, meat, poultry and raw fruits and vegetables in a fashion to avoid cross-contamination of other food products, particularly ready-to-eat foods.

(e) Raw materials may not come in direct contact with other food in the same container or in any other cross-contaminating circumstances.

(5) The direct seller must maintain the following records at the direct seller's business premises and make available for inspection by the department:

(a) A current list of all leased, rented or owned vehicles, other than vehicles that are rented for less than forty-five days, intended for use in Washington state by the direct seller to deliver food;

(b) All records of vehicles intended for use in Washington state rented for less than forty-five days for at least twelve months following the termination of the rental period;

(c) Temperature logs of all vehicles and packages in real time for all food while in transport from initial pickup to delivery;

(d) Consumer client lists indicating what products were purchased, when products were delivered, and location where the product was delivered to consumer client;

(e) Records of product purchases that are offered or sold to consumer clients that include manufacturer of product, distributor of product, date and time of receipt of product by direct seller, and date and time of delivery of product by direct seller; and

(f) Records indicating disposition of any products not sold or received by consumer clients.

(6) All records required under this section must be:

(a) Maintained so that the information they intend to convey is clear and understandable;

(b) Available to the department upon request at the direct seller's business premises or in a vehicle as applicable; and

(c) Retained at the direct seller's business premises for six months after the expiration of the license.

NEW SECTION

WAC 16-130-050 Inspections. (1) The department will conduct routine inspections of all vehicles, food handling

areas, refrigeration equipment, and product packaging used by the direct seller.

(2) The department will conduct audits of all required records including cleaning and sanitary inspections, temperature logs, lists of all leased, rented or owned vehicles, vehicle rental records, purchases, sales, and other food handling and sanitation records as appropriate.

(3) During an investigation, the department may sample food products transported by the direct seller for laboratory testing to ensure food is being handled and maintained in a safe and sanitary manner.

(4) The department may inspect the records, vehicles, food handling areas, refrigeration equipment, and product packaging used by a direct seller whenever the department has reason to believe the direct seller is in violation of the requirements of chapter 69.04 RCW or this chapter. Inspections will be made at reasonable times and, when possible, during regular business hours.

(5) The department will investigate any complaints against a direct seller for violations of chapter 69.04 RCW or this chapter, or for otherwise failing to maintain and distribute food in a safe and sanitary manner.

(6) The department may inspect records, vehicles, food handling areas, refrigeration equipment, and product packaging used by a direct seller in response to a food recall, foodborne illness outbreak, consumer complaint, other public health emergency, or when required by federal, state or local regulation. In such situations, the direct seller will provide to the department its customer list and all known contact information. The direct seller must notify customers of a recall, foodborne illness outbreak, or other relevant event when directed by the department.

NEW SECTION

WAC 16-130-060 Suspension, revocation, and denial of registrations. (1) A direct seller license and applications for direct seller licenses are governed by the procedures set forth in chapter 34.05 RCW.

(2) The director may deny, suspend, or revoke a direct seller application or license if it is determined that an applicant or direct seller has committed any of the following acts:

(a) Refused, neglected, or failed to comply with the provisions of chapter 69.04 RCW, the rules adopted under this chapter, or any order issued by the director;

(b) Refused, neglected, or failed to keep and maintain required records;

(c) Refused the department access to required records;

(d) Refused the department access to any portion or area of vehicles, food handling areas, refrigeration equipment, and product packaging used by a direct seller; or

(e) Failure to submit an application for a license meeting the requirements of this chapter or failure to pay the annual license or renewal fee.

(3) The director may summarily suspend a license issued under this chapter if the director finds that a direct seller is operating under conditions that constitute an immediate danger to public health or if the director is denied access to the records, vehicles, food handling areas, refrigeration equipment, and product packaging used by a direct seller where the

access was sought for the purposes of enforcing or administering this chapter.

WSR 14-19-125

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed September 17, 2014, 11:19 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-14-013.

Title of Rule and Other Identifying Information: Chapter 16-390 WAC, WSDA fruit and vegetable inspection districts, inspection fees and other charges.

Hearing Location(s): Confluence Technology Center, Teanaway Room, 285 Technology Center Way, Suite 102, Wenatchee, WA 98801, on November 4, 2014, at 11:00 a.m.; and at the Department of Agriculture, Conference Room 238, 21 North 1st Avenue, Yakima, WA 98902, on November 5, 2014, at 11:00 a.m.

Date of Intended Adoption: December 1, 2014.

Submit Written Comments to: Teresa Norman, 1111 Washington Street S.E., P.O. Box 42560, Olympia, WA 98504-2560, e-mail WSDARulesComments@agr.wa.gov, fax (360) 902-2092, by 5:00 p.m., on November 4, 2014.

Assistance for Persons with Disabilities: Contact the agency receptionist by October 28, 2014, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Rules on this subject will be amended to simplify the existing fee structure for fruit and vegetable inspections to make it easier for both industry and program staff to understand, and to reflect the current cost of providing these inspections and other services.

Reasons Supporting Proposal: The proposed fee increases in the current hundredweight (CWT) and hourly rates for fresh fruit and vegetable inspection are needed to maintain the current level of service to industry. This proposal creates the same fee structure for all fruit and vegetable industry commodities and provides a clearly defined fee structure for each level of service for in-state processing potatoes.

Statutory Authority for Adoption: For WAC 16-390-230 is RCW 15.17.140(2), 17.24.131 and chapter 34.05 RCW; all other sections are RCW 15.17.050 and chapter 34.05 RCW.

Statute Being Implemented: Chapters 15.17 and 17.24 RCW.

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

Name of Proponent: Department of agriculture, governmental.

Name of Agency Personnel Responsible for Drafting: Ken Shank, 270 9th Street N.E., Suite 101-A, East Wenatchee, WA 98802, (509) 662-6161; Implementation: Karen Cozzetto, 21 North 1st Avenue, Suite 226, Yakima, WA 98902, (509) 225-6900; and Enforcement: Chuck Drago, 21 North 1st Avenue, Suite 226, Yakima, WA 98902, (509) 225-6900.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

SUMMARY OF PROPOSED RULES: The Washington state department of agriculture fruit and vegetable inspection program is proposing to amend chapter 16-390 WAC.

The purpose of this chapter is to define the department's fruit and vegetable districts, and to outline inspection fees and other charges. The fees and other charges in this chapter are set at a level to ensure cost recovery for the individual service rendered.

The proposed amendments to this chapter include:

- Simplifying the rule language in all sections.
- Simplifying the fee structure by injecting equitability of fees between the commodities.
- Increasing inspection fees to cover the cost of performing inspections.
- Defining types of services provided to ensure cost recovery.

SMALL BUSINESS ECONOMIC IMPACT STATEMENT (SBEIS): Chapter 19.85 RCW, the Regulatory Fairness Act, requires an analysis of the economic impact that proposed rules will have on regulated businesses. Preparation of an SBEIS is required when proposed rules will impose more than minor costs on businesses.

"Minor cost" means a cost that is less than one percent of annual payroll or the greater of either 0.3 percent of annual revenue or one hundred dollars.

"Small business" means any business entity that is owned and operated independently from all other businesses and has fifty or fewer employees.

INDUSTRY ANALYSIS: The fruit and vegetable inspection program is responsible for certification of fruits and vegetables grown, packed, or shipped from the state of Washington and phytosanitary inspection for the export of fruits and vegetables.

A small business economic impact assessment survey was sent electronically to the fruit and vegetable businesses to analyze the economic impact of proposed rules on small businesses. The department provided in-person, one-on-one customer outreach to explain the proposed fee increase. The outreach encompassed the entire range of fruit and vegetable inspection program customers and resulted in a reevaluation of the original proposal. The proposed rule amendment will result in costs that are more than minor on some regulated businesses.

INVOLVEMENT OF SMALL BUSINESSES: A meeting was held with the fruit and vegetable inspection program's advisory board members to provide the opportunity to participate in the process and development of the proposed rule change. Customer outreach at the Washington state potato commission, Washington apple commission, state of Washington potato committee, and Wenatchee Valley Traffic Association meetings was conducted either by the program administrator or technical operation resource team (TORT) members. Additional industry outreach by TORT members in the form of one-on-one customer interviews with sixty-four individuals representing fifty-one large and small grower, packer,

shipper facilities and sales agencies, covering all commodity groups was completed in June, July, and August. An informational booklet was compiled by TORT and shared with industry during these meetings.

Small businesses were involved in providing the department with the expected costs associated with the changes. Industry feedback during the outreach sessions resulted in taking a two phased approach to the proposed fees. The original proposal was to raise the hourly rate from the current \$50.00 to \$75.00 per hour for regular time and the current \$75.00 to \$112.50 for overtime hours. The CWT fee of \$.17 for apples and pears, \$.23 for soft fruit, \$.09 for onions and \$.07 for potatoes was set to increase to \$.185 for all commodities. These proposed fees would have gone into effect on or before January 2015. After industry engagement, the program decided to modify the proposed hourly rate from the current \$50.00 to \$65.00 per hour for regular time and the current \$75.00 to \$97.50 for overtime hours. The CWT fee of \$.17 for apples and pears, \$.23 for soft fruit, \$.09 for onions and \$.07 for potatoes is now proposed to increase to \$.175 for all commodities. These proposed fees would go into effect on or before January 2015. The second phase would take effect January 1, 2017, when the hourly rate is proposed to increase to \$75.00 for regular hours and \$112.50 for overtime hours. The hundred weight fee is proposed to go to \$.185 for all commodities.

A small business economic impact assessment survey was made available to the fruit and vegetable industry through direct e-mails to current customers and all those previously interviewed and by distribution to industry organizations (Washington state potato commission, Yakima Valley Growers and Shippers Association and Wenatchee Valley Traffic Association). The survey asked questions on the impact of the proposed rule changes, providing the department with a tool to analyze the expected costs on sales and jobs associated with the proposed changes and their impact on small businesses. Nine small businesses and six large businesses returned the small business economic impact survey. The department e-mailed two reminders to all industry representatives during the survey timeframe.

COST OF COMPLIANCE: The program analyzed the cost of compliance anticipated by regulated businesses. About ten percent or one of the nine small businesses that responded indicated the fees would have an impact on cost of compliance. In the approximately fifty in-person, one-on-one company visits no cost of compliance was indicated.

RCW 19.85.040 directs agencies to analyze the costs of compliance for businesses required to comply with the proposed rule. Industry reported (with one exception):

- No additional costs anticipated for equipment, supplies, training, labor, reporting, recordkeeping and administrations.
- No anticipated increases in industry staff hours.
- No additional professional services needed to comply with reporting, recordkeeping, and other requirements.
- One small business indicated a loss in revenue (\$0.42 per \$100 of sales) as a result of an increase in the hourly or CWT.

JOBS CREATED OR LOST: Under RCW 19.85.040, agencies must provide an estimate of the number of jobs that will be created or lost as the result of compliance with the proposed rules. In collecting information from representative small businesses through a survey, the program estimates that no net jobs will be created as a result of small businesses complying with the rules. The survey respondents reported a net loss of one job for the potato companies under a combination of the hourly fee increase and the CWT fee increase, and a net loss of one job for a hazelnut company under the hourly fee increase.

In the approximately fifty in-person, one-on-one company visits, no potential loss or creation of jobs was indicated.

DISPROPORTIONATE IMPACT TO SMALL BUSINESSES: RCW 19.85.040 directs agencies to determine whether the proposed rule will have a disproportionate cost impact on small businesses by comparing the cost of compliance for small business with the cost of compliance for the ten percent of the largest businesses required to comply with the proposed rules.

- Ninety-three percent of the survey respondents indicated no loss of sales or revenue would result from the increase in hourly or CWT rates. One small business respondent indicated a loss in revenue (\$0.42 per \$100 of sales) as a result of an increase in the hourly or CWT.
- In the department's over fifty company visits, zero companies indicated a loss of sales revenue due to an increase in fees.

When costs associated with proposed rules are more than minor, the Regulatory Fairness Act requires a comparison of the costs to small businesses with those of ten percent of the largest businesses in the regulated industry. An analysis has shown that the costs small businesses will incur to comply with the proposed rules are more than minor and are not disproportionate between small and large business entities.

The costs small businesses will incur to comply with the proposed rules are not disproportionate between small and large businesses. The CWT proposed fee increase for the potato and onion industry is large. Justification for this increase is that the cost for a department inspector is the same regardless of the commodity being inspected. Raising the fee injects equitability of inspection fees between all commodities and provides uniformity for the cost of an inspection. Inspection fees are charged at the CWT fee or the hourly rate whichever is greater. Historically, the potato and onion industry has been charged the hourly rate due to the low CWT fee under the current fee schedule.

The department determined that under the proposed rule the loss of sales or revenue will not have a disproportionate impact on small businesses. One survey response from a large business reported an estimated \$20,000 in lost sales per year. No large or small business indicated a loss of sales or revenue during the department's one-on-one customer outreach.

CONCLUSION: To comply with chapter 19.85 RCW, the Regulatory Fairness Act, the fruit and vegetable inspection program has analyzed the economic impact of the proposed

rules on small businesses and concluded that there will be some economic impact.

However, if the proposed fee increases were not adopted, it would have a much greater adverse affect on both small and large businesses, since it would result in a large number of inspector layoffs. Layoffs would impact the industry's ability to ship their product to market in a timely manner. Industry's ability to export commodities would be impeded as they would not be able to receive timely inspections and phytosanitary clearance for international trade, resulting in loss of sales and/or increased shipping costs.

To comply with chapter 19.85 RCW, the Regulatory Fairness Act, the fruit and vegetable inspection program has analyzed the economic impact of the proposed rules on small businesses and has concluded that the costs are more than minor and there is no disproportionate impact between small and large businesses.

Please contact Cameron Crump if you have any questions at (360) 902-1833 or ccrump@agr.wa.gov.

A copy of the statement may be obtained by contacting Cameron Crump, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1933, fax (360) 902-2085, e-mail ccrump@agr.wa.gov.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington state department of agriculture is not a listed agency under RCW 34.05.328 (5)(a)(i).

September 17, 2014

Brad Avy

Assistant Director

AMENDATORY SECTION (Amending WSR 12-19-040, filed 9/12/12, effective 10/13/12)

WAC 16-390-005 Definitions. (~~"Certification" means the issuance of an official document confirming the inspection results for grade, classification, condition, and the absence or presence of plant pests or diseases and/or other defects.~~

~~"Customer assisted inspection program (CAIP)" means a quality and/or condition inspection performed by industry with verification and oversight by WSDA.~~

~~"Department" means the Washington state department of agriculture (WSDA).~~

~~"Director" means the director of the department or the director's designated representative.~~

~~"Grade and condition certificate" means a document issued by the director of a certification confirming the results of an inspection.~~

~~"Inspection" means a review or examination of fruits and vegetables in order to determine quality, condition, and/or presence or absence of pests or diseases and/or other defects.~~

~~"Platform inspection" means any inspection and/or certification performed on a lot that has no defined per unit charges for the service.)~~ "Certificate" means an official document issued by the director which reports certification results.

"Certificate of compliance" means a shipping document issued by the fruit and vegetable industry attesting that

the identified fruits or vegetables are known to be in full compliance with provisions of chapter 15.17 RCW. The member of the fruit and vegetable industry issuing the certificate of compliance has the sole responsibility of fairly and accurately representing the quality and quantity of fruits and vegetables listed on the certificate of compliance.

"Certification" means the complete service performed by the director, from inspection through the issuance of any applicable documentation of the results of the inspection.

"Customer assisted inspection program (CAIP)" means a quality or condition inspection performed by industry using the United States Department of Agriculture (USDA) standards with verification and oversight by the director.

"CWT" means a hundredweight, a unit of measure equaling one hundred pounds.

"Director" means the director of the department of agriculture or the director's designated representative. As used in this chapter, WSDA refers to the director unless the context states otherwise.

"Grade and condition certificate" means an official note sheet issued by the director confirming the results of an inspection.

"Hourly fee" means the fee charged for services based on the hours documented by each WSDA inspector providing the service. Hourly fees are charged based on increments of fifteen minutes, with time rounded up or down to the next fifteen minute interval as follows: Eight minutes into a quarter hour is rounded up to the full quarter hour. Less than eight minutes into a quarter hour is rounded down and not billed.

"Inspection" means the inspection by the director of any fruits or vegetables for the purpose of certification at any time prior to, during, or subsequent to harvest.

"Inspection service notification" means customer notification to the director of any request for inspection services.

"Lot" means, unless otherwise stated in this chapter, a distinct unit of fruits or vegetables.

"Regular business hours" means the hours between 8:00 a.m. and 5:00 p.m. Pacific time Monday through Friday except state holidays.

"Shipping permit" means a shipping document issued by the director attesting that the fruits or vegetables are known to be in compliance with the provisions of chapter 15.17 RCW and this chapter.

AMENDATORY SECTION (Amending WSR 12-19-040, filed 9/12/12, effective 10/13/12)

WAC 16-390-010 ((Fruit and vegetable)) Inspection districts. ~~((The department has))~~ There are two fruit and vegetable inspection districts~~((, which are))~~:

(1) ~~((Fruit and vegetable inspection))~~ District two~~((, which))~~ consists of Asotin, Benton, Clark, Columbia, Cowlitz, Franklin, Garfield, Kittitas, Klickitat, Lewis, Pacific, Skamania, ((Yakima, Pacific, Lewis,)) Wahkiakum, ((Cowlitz, Clark, Benton, Franklin,)) Walla Walla, ((Columbia, Asotin,)) Whitman, and ((Garfield)) Yakima counties~~((, and))~~.

(2) ~~((Fruit and vegetable inspection))~~ District four~~((, which))~~ consists of Adams, Chelan, Clallam, Douglas, Ferry,

Grant, Grays Harbor, Island, Jefferson, ((Clallam, Island, Mason,)) King, Kitsap, Lincoln, Mason, Okanogan, Pend Oreille, Pierce, San Juan, Skagit, Snohomish, Spokane, Stevens, Thurston, ((King, Snohomish, Skagit, Grant, Adams, Ferry, Pend Oreille, Stevens, Spokane, Lincoln, San Juan, Whateom, Chelan, Douglas)) and ((Okanogan)) Whatcom counties.

NEW SECTION

WAC 16-390-015 Minimum inspection fee. A minimum fee of one-half hour under the applicable hourly fee specified in WAC 16-390-025(1) will be charged for any inspection service.

AMENDATORY SECTION (Amending WSR 12-19-040, filed 9/12/12, effective 10/13/12)

WAC 16-390-020 ((Grade and condition certificates—Fruits.)) Certificate fee. ~~((WSDA fees for grade and condition certificates for all fruits are:~~

(1) A minimum charge of twenty-five dollars.

(2) The fees for ~~federal state or state grade and condition certificates~~ of all fresh market apples, pears, and soft fruits in containers (wrapped, place pack, face and fill), bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins, or bags are listed in the following table:

Type of Fruit	Fees per CWT or Fraction Thereof
Apples online for domestic shipping, CA, etc.	\$0.17
Apples for export	\$0.17
Apriots, cherries, nectarines, peaches, plums, prunes, other soft fruits, grapes and berries	\$0.23
Pears	\$0.17
Pears for export	\$0.17

(3) ~~The department will give a volume discount for apples and pears that are inspected and certified online for domestic shipment, controlled atmosphere certification, etc. Packing of up to 4800 cwt per eight hour shift, the normal inspection fee will be assessed, and every cwt of product above 4800 cwt for that same shift will be charged at \$0.12 cwt. Platform inspection fees will still apply (WAC 16-390-200).~~

(4) ~~The department charges a fee of three dollars per ton net weight (or fraction thereof) for all apples, pears, stone fruits, berries, and grapes in bulk or in containers that are inspected for processing.~~

(5) ~~The department charges a fee of fifty dollars per hour, with a minimum certificate charge of twenty-five dollars, when an inspection is requested only to verify the product, conveyance, markings, or other factors not related to quality.)~~ There is a fee of twenty-five dollars for each certificate issued, EXCEPT that a grade and condition certificate

will be issued upon completion of a certification with no additional fee beyond the applicable CWT or hourly fee.

NEW SECTION

WAC 16-390-025 Hourly inspection fee. (1) Effective January 1, 2015, the hourly inspection fee is \$65.00 per hour for regular hours and \$97.50 for overtime and holiday hours for any inspection service that is not covered by CWT fees.

(2) Effective January 1, 2017, the hourly inspection fee is \$75.00 per hour for regular hours and \$112.50 per hour for overtime and holiday hours for any inspection service that is not covered by CWT fees.

(3) An additional fee amounting to three regular hours, plus the inspection fees for time worked, at the applicable hourly fee specified in this section will be charged when inspection service notification is not given prior to the end of normal business hours on the day preceding any weekend or holiday inspection work.

AMENDATORY SECTION (Amending WSR 12-19-040, filed 9/12/12, effective 10/13/12)

WAC 16-390-030 (~~Grade and condition certificates—Vegetables.~~) Fruit and vegetable CWT fees. ((WSDA fees for grade and condition certificates for all vegetables are:

(1) A minimum charge of twenty five dollars.

(2) The fees for ~~federal state or state grade and condition certificates~~ for all fresh market vegetables in containers (wrapped, place pack, face and fill), bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins, or bags are listed in the following table:

Type of Vegetables	Fees per CWT or Fraction Thereof
Asparagus	\$0.23
Cantaloupes and corn	\$0.14
Onions	\$0.09
Potatoes	\$0.07
In-state processing potatoes	\$0.08
Complete inspection	Rate shall be reduced for the level of service required
Tomatoes	\$0.21

(3) For the inspection of vegetables not listed, the department charges a fee of fifty dollars per hour.

(4) The department charges a fee of three dollars per ton net weight (or fraction thereof) for the inspection of vegetables to be processed, whether in bulk or in containers.

(5) When an inspection is requested only to verify the product, conveyance, markings, or other factors not related to quality, the department charges the rate of fifty dollars per hour, with a minimum certificate charge of twenty five dollars.) The following inspection and certification services are charged fees based on the stated CWT fee, provided that if the applied CWT fee would result in a charge less than the

applicable hourly fee under WAC 16-390-025 for the staff hours worked, the applicable hourly fee will be assessed.

(1) Effective January 1, 2015, the fee for federal-state grade and condition certification for all fresh and processing fruits, vegetables, and nuts, except in-state processing potatoes, is \$0.175 per CWT or fraction thereof.

(2) Effective January 1, 2017, the fee for federal-state grade and condition certification for all fresh and processing fruits, vegetables, and nuts, except in-state processing potatoes, is \$0.185 per CWT or fraction thereof.

(3) In-state processing potatoes are charged the following fees:

(a) Effective January 1, 2015, the fee to determine the percentage of potatoes meeting U.S. No. 1 or U.S. No. 2 fresh potato grades as listed in the United States Grades for Potatoes (U.S. Potato Standards) is \$0.038 per CWT or fraction thereof.

(b) Effective January 1, 2017, the fee to establish a percentage of potatoes meeting U.S. No. 1 or U.S. No. 2 fresh potato grades as listed in the United States Grades for Potatoes (U.S. Potato Standards) is \$0.043 per CWT or fraction thereof.

(c) Effective January 1, 2015, the fee to establish a percentage of dirt, rot, and green is \$0.021 per CWT or fraction thereof.

(d) Effective January 1, 2017, the fee to determine the percentage of dirt, rot, and green is \$0.023 per CWT or fraction thereof.

(e) Contracts may be negotiated with the potato processing industry for inspection services to meet specific inspection requests, but not for less than the equivalent hourly fee specified in WAC 16-390-025 for the staff hours worked.

AMENDATORY SECTION (Amending WSR 12-19-040, filed 9/12/12, effective 10/13/12)

WAC 16-390-040 Customer assisted inspection program (CAIP) certification charges(~~—Fruits and vegetables~~). ((WSDA fees for grade and condition certificates for all fruits and vegetables issued under the customer assisted inspection program (CAIP) are:

(1) A minimum charge of twenty five dollars.

(2)) The fees for federal-state grade and condition ((~~certificates~~)) CAIP certification for all fresh market fruits and vegetables in any type of containers ((~~wrapped, place pack, face and fill~~), bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins, or bags are:

Type of Fruit or Vegetable	Fees per CWT or Fraction Thereof
Fresh potatoes	Three and one-half cents per ewt., with a minimum charge of fifty dollars per hour for each staff hour worked.

Type of Fruit or Vegetable	Fees per CWT or Fraction Thereof
All other fresh market fruits and vegetables	Three-fourths of the cwt. rates specified in WAC 16-390-020(2) and 16-390-030(2) but not less than the equivalent rate of fifty dollars per staff hour worked. If
	the cwt. rate results in an inspection fee that is less than the equivalent of fifty dollars per staff hour worked, the department will assess additional certification charges. For example, if an inspection takes three staff hours (\$150.00) to complete and the cwt. rate results in a fee of \$85.00, the department will assess additional certification charges of \$65.00.)

are one-half of the applicable CWT fees specified in WAC 16-390-030, but not less than the applicable equivalent hourly fee specified in WAC 16-390-025 for the staff hours worked.

AMENDATORY SECTION (Amending WSR 12-19-040, filed 9/12/12, effective 10/13/12)

WAC 16-390-150 Shipping permits and certificates of compliance(~~—Fruits and vegetables~~) for apples, apricots, asparagus, Italian prunes, peaches, pears, and sweet cherries. (1) Each shipment of apples, apricots, (~~Italian prunes, peaches, pears, dark sweet cherries, Rainier cherries and asparagus~~) must be covered by a shipping permit. All other sweet cherries, whether certified or not, must have a shipping permit indicating freedom from cherry fruit fly larvae.

(2) Shipments of apricots, cherries, peaches, prunes, and asparagus to processors do not require a shipping permit.

(3) A permit or certificate of compliance may be issued without additional charge if the lot is certified.

(4) If the lot has not been certified, a permit or certificate of compliance may be issued based upon the following charges:

(a) The minimum charge for a permit or certificate of compliance is three dollars.

(b) Two-thirds of the rate for federal state or state grade and condition certificates applies.

(c) A permit to ship apples and/or pears to a by-product plant outside the state is three dollars) asparagus, Italian prunes, peaches, pears, and sweet cherries must be covered by a shipping permit or certificate of compliance. No shipping permit or certificate of compliance will be issued unless the sweet cherries are determined to be free from live West-

ern cherry fruit fly (*Rhagoletis indifferens*) larvae at the time of shipment.

(2) In-state shipments of apples, apricots, asparagus, Italian prunes, peaches, pears, and sweet cherries to processors do not require a shipping permit or certificate of compliance.

(3) A shipping permit or certificate of compliance may be issued without additional charge if the lot has been issued a grade and condition certificate.

(4) If a lot has not been issued a grade and condition certificate, a shipping permit or certificate of compliance will be issued only after the lot is in full compliance with chapter 15.17 RCW and will be subject to a charge of two-thirds the applicable CWT fee specified in WAC 16-390-030, but not less than \$5.00.

(5) A shipping permit or certificate of compliance to ship a lot of apples or pears to a processing plant outside the state is five dollars.

AMENDATORY SECTION (Amending WSR 12-19-040, filed 9/12/12, effective 10/13/12)

WAC 16-390-230 Apple (~~pest certification~~) maggot survey fees. The fee for the apple (~~pest certification, using the~~) maggot survey (~~method,~~) program on all (~~fresh~~) apples (~~produced~~) grown or packed in Washington state (~~or marketed under Washington state grades~~) and (~~standards,~~) introduced into commerce for sale or shipment as fresh apples is \$.015 per (~~cwt. or fraction thereof~~) CWT. This fee is assessed by the director on all certificates of compliance and all shipping permits.

AMENDATORY SECTION (Amending WSR 12-19-040, filed 9/12/12, effective 10/13/12)

WAC 16-390-240 (~~Fresh produce~~) USDA audit verification (~~program~~) and terminal market inspection fees. (1) The (~~fresh produce~~) fee for USDA audit verification (~~program~~) is a federal state inspection service program that reviews and verifies a participating company's facility and agronomic practices, along with its documented procedures, to help determine if "good agricultural practices" and "good handling practices" are maintained) services are \$92.00 per hour as per the authority of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621).

(2) Mileage related to audit verification services is charged at the rate established by the Washington state office of financial management at the time the service was performed.

(3) The fee for terminal market inspection services is \$74.00 per hour, \$151.00 per lot for a carlot equivalent of each product, and \$125.00 per lot for one-half carlot equivalent or less of each product. The fee for each additional lot of the same product is \$69.00. The overtime fee is an additional \$38.00 per hour. The fee for a holiday is an additional \$74.00 per hour. The mileage fee related to terminal market inspection services is \$1.32 per mile. USDA fees for lots and mileage are regulated by 7 C.F.R. 51.38 and 51.40, respectively, and are current as of August 5, 2014.

AMENDATORY SECTION (Amending WSR 12-19-040, filed 9/12/12, effective 10/13/12)

WAC 16-390-250 (~~Miscellaneous~~) Other services and (~~certification~~) fees. (1) (~~Department~~) Other services not involving certification services, provided to other agencies, commissions, growers, businesses, and organizations are charged at the (~~rate of fifty dollars per hour~~) applicable hourly fee specified in WAC 16-390-025.

(2) (~~The charge for mileage related to~~) Other inspection and certification services (~~is~~), such as bean, pea, lentil, hay or straw certification provided to other programs in the department, other agencies, commissions, growers, businesses, and organizations are charged at the (~~rate established by the office of financial management (OFM) at the time the service was performed~~) applicable hourly fee specified in WAC 16-390-025.

(3) The (~~department may charge~~) fee for (~~telegrams,~~) facsimile(~~s~~) or electronic transmission of inspection documents (~~at the rate of four~~) not provided with certification services is five dollars per transmission (~~in addition to any Western Union charges made directly to the applicant~~).

(4) The (~~cost of extra copies~~) fee for a certified copy of an original (~~documents~~) certificate is (~~four~~) five dollars (~~per set~~).

(5) ~~The department may charge twenty-five cents per copy for Xerox copies of inspectors' notes, certificates or related documents.~~

(6) ~~When, through no fault of the inspection service, it is necessary to retype or reissue a document, the cost of retyping or reissuing the document is four dollars per set).~~

AMENDATORY SECTION (Amending WSR 12-19-040, filed 9/12/12, effective 10/13/12)

WAC 16-390-260 (~~Extra fees for inspection and certification services~~) Overtime and holiday charges. (~~The department does assess extra charges on services provided according to the following:~~

(1) ~~The minimum inspection charge for each commodity and requested document is twenty-five dollars.~~

(2) ~~If, through no fault of the inspection service, excess time is required over the maximum time allowed (as supported by unit rates for each commodity and requested document) the excess time is charged at the rate of fifty dollars per hour.~~

(3)(a) ~~For all inspection services performed beyond a regularly scheduled eight-hour week-day shift or on Saturdays, or Sundays, or state legal holidays, a rate equivalent to seventy-five dollars will be charged for actual hours spent in performance of duties. Such charges include unit charges, plus, if necessary, overtime charges to equal the respective overtime hourly rates.~~

(b) ~~The following are state legal holidays:~~

Holiday	Date
New Year's Day	January 1
Martin Luther King, Jr. Day	Third Monday in January
Presidents' Day	Third Monday in February

Holiday	Date
Memorial Day	Last Monday of May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day following Thanksgiving Day	Fourth Friday in November
Christmas Day	December 25

(4) ~~Additional hourly or overtime charges will not be assessed when the per unit inspection charge in any one day equals or exceeds the basic hourly and/or overtime charge.) All certification services performed outside of regular business hours are charged a fee equivalent to the applicable overtime fee specified in WAC 16-390-025 unless an applicable CWT fee meets or exceeds the overtime fee.~~

AMENDATORY SECTION (Amending WSR 12-19-040, filed 9/12/12, effective 10/13/12)

WAC 16-390-270 (~~Fruit and vegetable~~) Waived fees. (~~The department may waive inspection fees~~) Certificate of compliance fees may be waived for fruits and vegetables donated to bona fide nonprofit organizations (~~if~~). The shipping containers (~~are~~) must be conspicuously labeled or marked "not for resale."

AMENDATORY SECTION (Amending WSR 12-19-040, filed 9/12/12, effective 10/13/12)

WAC 16-390-280 Payment and collection of (~~fruit and vegetable~~) fees and charges. (1) All fees and charges for services rendered are due within thirty days after the date of the billing statement (~~you receive from the department~~).

(2) If (~~your~~) payment is not received within thirty days, service may be withheld until (~~your~~) the delinquent account is paid in full.

(3) (~~If your account is delinquent, the department may require that you pay cash for subsequent services.~~

(4)) The (~~department assesses~~) director may assess a penalty of eighteen percent per annum on all (~~delinquent~~) unpaid account balances thirty days after billing.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 16-390-060 Certificate charges—Other agricultural commodities.
- WAC 16-390-100 Fruit and vegetable certificate fees.
- WAC 16-390-200 Platform inspection fees.
- WAC 16-390-210 Fumigation fees.
- WAC 16-390-220 Field or orchard inspection fees.

- WAC 16-390-242 Fresh produce audit verification program fees for fruit and vegetable audit verification certificates.
- WAC 16-390-245 USDA positive lot identification fees.