

**Chapter 242-04 WAC
PUBLIC RECORDS**

WAC

242-04-030	Description of organization and public meetings.
242-04-050	Communications with each board or the joint boards.
242-04-100	Copying.

WAC 242-04-030 Description of organization and public meetings. (1) Each board is an independent agency of the state of Washington, composed of three members appointed by the governor. Each board elects an administrative chairperson from its members at least annually.

(2) The administrative chairpersons constitute the administrative committee of the joint boards. The administrative committee elects an administrative chairperson from its members at least annually.

(3) Regular meetings of each board will be held at its principal office or other designated location at the following times:

(a) Eastern Washington board - on the first Wednesday of each month at 10:00 a.m.

(b) Western Washington board - on the second Wednesday of each month at 11:00 a.m.

(c) Central Puget Sound board - on the second Thursday of each month at 10:00 a.m.

(4) The joint boards shall meet at least annually at a time and location to be announced.

[Statutory Authority: RCW 36.70A.270(7). 98-01-144, § 242-04-030, filed 12/19/97, effective 1/20/98. Statutory Authority: RCW 36.70A.270(6). 92-21-034, § 242-04-030, filed 10/15/92, effective 10/15/92.]

WAC 242-04-050 Communications with each board or the joint boards. (1) All communications with a board, including but not limited to the submission of materials pertaining to its operations and/or administration or enforcement of chapter 42.17 RCW and these rules, requests for copies of each board's decisions and other matters, shall be addressed to the appropriate board's office as follows:

- (a) Eastern Washington Growth Management Hearings Board
Suite 818 Larson Building
6 South 2nd Street
Yakima, Washington 98901
(509) 454-7803
(509) 454-7292 FAX
- (b) Western Washington Growth Management Hearings Board
905 24th Way S.W. Suite B-2
P.O. Box 40953
Olympia, Washington 98504-0953
(360) 664-8966
(360) 664-8975 FAX
- (c) Central Puget Sound Growth Management Hearings Board
Financial Center
1215 Fourth Avenue, Suite 322
Seattle, Washington 98161-1001
(206) 389-2625
(206) 389-2588 FAX

(2) All communications with the joint boards shall be addressed in care of the Eastern Washington board.

[Statutory Authority: RCW 36.70A.270(7). 98-01-144, § 242-04-050, filed 12/19/97, effective 1/20/98; 97-04-008, § 242-04-050, filed 1/24/97, effective 3/1/97. Statutory Authority: RCW 36.70A.270(6). 94-23-112, § 242-04-050, filed 11/22/94, effective 12/23/94; 94-07-033, § 242-04-050, filed 3/9/94, effective 4/9/94; 92-21-034, § 242-04-050, filed 10/15/92, effective 10/15/92.]

WAC 242-04-100 Copying. No fee shall be charged for the inspection of public records. Each board shall charge a reasonable fee for providing copies of public records and for use of each board's photocopy equipment. Each board may charge a reasonable fee for electronic facsimile transmissions (FAX). The charge is the amount necessary to reimburse each board for its actual costs incident to such copying or transmission.

[Statutory Authority: RCW 36.70A.270(7). 98-01-144, § 242-04-100, filed 12/19/97, effective 1/20/98. Statutory Authority: RCW 36.70A.270(6). 92-21-034, § 242-04-100, filed 10/15/92, effective 10/15/92.]

Title 246 WAC DEPARTMENT OF HEALTH

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- 246-11 Model procedural rules for boards.**
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**Chapter 246-08 WAC
PRACTICE AND PROCEDURE**

WAC

246-08-400 How much can a medical provider charge for searching and duplicating medical records?

WAC 246-08-400 How much can a medical provider charge for searching and duplicating medical records? RCW 70.02.010(12) allows medical providers to charge fees for searching and duplicating medical records. The fees a provider may charge cannot exceed the fees listed below:

- (1) Copying charge per page:
 - (a) No more than seventy-four cents per page for the first thirty pages;
 - (b) No more than fifty-seven cents per page for all other pages.

(2) Additional charges:

- (a) The provider can charge a seventeen dollar clerical fee for searching and handling records;
- (b) If the provider personally edits confidential information from the record, as required by statute, the provider can charge the usual fee for a basic office visit.

(3) This section is effective July 1, 1997, through June 30, 1999.

[Statutory Authority: RCW 70.02.010(12) and 43.70.040. 97-12-087, § 246-08-400, filed 6/4/97, effective 7/5/97. Statutory Authority: RCW 43.70.040 and 70.02.101(12). 95-20-080, § 246-08-400, filed 10/4/95, effective 11/4/95.]

**Chapter 246-10 WAC
ADMINISTRATIVE PROCEDURE—ADJUDICATIVE
PROCEEDINGS**

WAC

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- 246-10-108 Representation.
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WAC 246-10-102 **Definitions.** As used in these rules of practice and procedure, the following terms shall have the meaning set forth in this section unless the context clearly indicates otherwise. Other terms shall have their ordinary meaning unless defined elsewhere in this chapter.

"Adjudicative clerk office" shall mean the unit with responsibility for: Docketing; service of orders; and maintaining custody of the adjudicative proceeding record, whose address is:

Department of Health
 Adjudicative Clerk Office
 2413 Pacific Avenue
 PO Box 47879
 Olympia, WA 98504-7879

"Adjudicative proceeding" or "hearing" shall mean a proceeding required by statute or constitutional right and conducted under the rules of this chapter, which provides an opportunity to be heard by the department prior to the entry of a final order under this chapter.

"Brief adjudicative proceeding" shall mean an adjudicative proceeding or hearing, the scope or conduct of which is limited as provided in this chapter.

"Department" shall mean the Washington state department of health and, where appropriate, the secretary of the Washington state department of health or the secretary's designee.

"Docket" or "docketing" shall mean the list or calendar of causes set to be heard at a specified time, prepared by the adjudicative clerk office for the use of the department.

"Filing" shall mean receipt by the adjudicative clerk office.

"Initiating document" shall mean a written agency document which initiates action against a license holder or applicant for license or recipient of benefits and which creates the right to an adjudicative proceeding. It may be entitled a statement of charges, notice of intent to deny, order, or by any other designation indicating the action or proposed action to be taken.

"License" shall have the meaning set forth in RCW 34.05.010, and includes any license, certification, registration, permit, approval, or any similar form of authorization required by law to be obtained from the department.

"Office of professional standards" shall mean the unit responsible for conducting adjudicative proceedings.

"Presiding officer" shall mean the person who is assigned to conduct an adjudicative proceeding. The presiding officer may be an employee of the department who is authorized to issue a final decision as designee of the secretary, or an administrative law judge employed by the office of administrative hearings.

"Presiding officer for brief adjudicative proceedings" shall mean an employee of the department who is authorized to conduct brief adjudicative proceedings.

"Program" shall mean the administrative unit within the department responsible for implementation of a particular statute or rule.

"Prompt adjudicative proceeding" or "prompt hearing" shall mean a hearing conducted at the request of the license holder or applicant for license following summary action taken in accord with this chapter against that license holder or applicant.

"Protective order" shall mean an order issued under this chapter which limits the use of, access to, or disclosure of information or evidence.

"Recipient of benefits" shall mean an individual who has qualified for benefits administered by the department.

"Respondent" shall mean a person eligible to request an adjudicative proceeding in a program under the jurisdiction of the department who is named in an initiating document.

"Secretary" shall mean the secretary of the department of health or his/her designee.

"Summary action" shall mean an agency action to address an immediate danger to the public health, safety, or welfare and shall include, but not be limited to, a cease and desist order, an order of summary suspension, and an order of summary restriction of a license.

[Statutory Authority: RCW 18.155.040. 97-12-089, § 246-10-102, filed 6/4/97, effective 7/5/97. Statutory Authority: RCW 43.70.040. 94-04-079, § 246-10-102, filed 1/31/94, effective 3/3/94; 93-13-005 (Order 369), § 246-10-102, filed 6/3/93, effective 7/4/93.]

WAC 246-10-108 Representation. (1) Persons requesting an adjudicative proceeding may be represented subject to the following conditions:

(a) A person requesting an adjudicative proceeding may represent himself/herself or may be represented by an attorney who has complied with the admission to practice rules of the supreme court of the state of Washington;

(b) Every attorney representing a person requesting an adjudicative proceeding shall file a notice of appearance with the adjudicative clerk office upon commencing representation, and shall file a notice of withdrawal of counsel with the adjudicative clerk office upon terminating representation.

(c) No person requesting an adjudicative proceeding may be represented in an adjudicative proceeding by an employee of the department.

(2) No current or former employee of the department may appear as an expert, character witness, or representative of any party other than the state of Washington if he/she took an active part in investigating or evaluating the case or represented the agency in the matter, unless written permission of the secretary is granted. No current or former member of the attorney general's office staff who participated personally and substantially in investigating or evaluating the matter at issue while so employed may represent a party or otherwise participate in a related proceeding without first having obtained the written consent of the attorney general's office.

[Statutory Authority: RCW 18.155.040. 97-12-089, § 246-10-108, filed 6/4/97, effective 7/5/97. Statutory Authority: RCW 43.70.040. 93-13-005 (Order 369), § 246-10-108, filed 6/3/93, effective 7/4/93.]

WAC 246-10-109 Service and filing. (1) A party filing a pleading, brief, or paper other than an initiating document or application for an adjudicative proceeding as required or permitted by these rules, shall serve a copy of the paper upon the opposing party or any designated representative of the opposing party prior to or simultaneous with filing.

(2) Unless otherwise provided by law, filing and service shall be made by personal service; by first class, registered, or certified mail; or by electronic telefacsimile transmission (FAX) where copies are mailed simultaneously.

(3) Filing shall be complete upon actual receipt during normal business hours at the adjudicative clerk office.

(4) Service shall be complete when personal service is made; or mail is properly stamped, addressed, and deposited in the United States mail; or FAX transmission is completed and copies are deposited in the United States mail properly stamped and addressed.

(5) Proof of service shall consist of filing as required by these rules, together with one of the following:

(a) An acknowledgement of service;

(b) A certificate of service including the date the papers were served, the parties upon whom served, the signature of the serving party, and a statement that service was completed by:

(i) Personal service; or

(ii) Mailing in the United States mail a copy properly addressed with postage and fees prepaid to each party and each designated representative.

(6) For the purpose of service on a licensee or a person requesting an adjudicative proceeding, service shall be made at the last known address provided to the department in accordance with WAC 246-01-100, unless the program has actual knowledge of a different correct address for the person being served.

[Statutory Authority: RCW 18.155.040. 97-12-089, § 246-10-109, filed 6/4/97, effective 7/5/97. Statutory Authority: RCW 43.70.040. 94-04-079, § 246-10-109, filed 1/31/94, effective 3/3/94; 93-13-005 (Order 369), § 246-10-109, filed 6/3/93, effective 7/4/93.]

WAC 246-10-121 Notice to limited-English-speaking parties. When the program or the adjudicative clerk office is notified or otherwise made aware that a limited-English-speaking person is a party in an adjudicative proceeding, all notices concerning the hearing, including notices of hearing, continuance, and dismissal, shall either be in the primary language of the party or shall include a notice in the primary language of the party which describes the significance of the notice and how the party may receive assistance in understanding and, if necessary, responding to the notice.

[Statutory Authority: RCW 18.155.040. 97-12-089, § 246-10-121, filed 6/4/97, effective 7/5/97. Statutory Authority: RCW 43.70.040. 93-13-005 (Order 369), § 246-10-121, filed 6/3/93, effective 7/4/93.]

WAC 246-10-122 Interpreters. (1) A "hearing impaired person" means a person who, because of a hearing impairment or speech defect, cannot readily understand or communicate in spoken language. A "hearing impaired person" includes a person who is deaf, deaf and blind, or hard of hearing.

(2) A "limited-English-speaking person" means a person who because of a non-English-speaking cultural background cannot readily speak or understand the English language.

(3) If a hearing impaired person or a limited-English-speaking person is involved in an adjudicative proceeding and a need for an interpreter is made known to the adjudicative clerk office, the presiding officer shall appoint an interpreter who is acceptable to the parties or, if the parties are unable to agree on an interpreter, the presiding officer shall select and appoint an interpreter.

(4) Before beginning to interpret, an interpreter shall take an oath or make affirmation that:

(a) A true interpretation shall be made to the impaired person of all the proceedings in a language or in a manner the impaired person understands; and

(b) The interpreter shall repeat the statements of the impaired person to the presiding officer, in the English language, to the best of the interpreter's skill and judgment.

(5) When an interpreter is used in a proceeding:

(a) The interpreter shall translate all statements made by other participants in the proceeding;

(b) The presiding officer shall ensure sufficient extra time is provided to permit translation; and

(c) The presiding officer shall ensure that the interpreter translates the entire proceeding to the hearing impaired person or limited-English-speaking person to the extent that the person has the same opportunity to understand the statements made as would a person not requiring an interpreter.

(6) An interpreter appointed under this section shall be entitled to a reasonable fee for services, including waiting time and reimbursement for actual necessary travel expenses. The program shall pay the interpreter fee and expenses incurred for interpreters for license holders, applicants, or recipients of benefits. The party on whose behalf a witness requiring an interpreter appears shall pay for interpreter services for that witness.

(7) All proceedings shall be conducted consistent with chapters 2.42 and 2.43 RCW.

[Statutory Authority: RCW 18.155.040. 97-12-089, § 246-10-122, filed 6/4/97, effective 7/5/97. Statutory Authority: RCW 43.70.040. 93-13-005 (Order 369), § 246-10-122, filed 6/3/93, effective 7/4/93.]

WAC 246-10-203 Request for adjudicative proceeding. A respondent may respond to an initiating document by filing an application for an adjudicative proceeding or by waiving the opportunity for adjudicative proceeding.

(1) If the respondent wishes to file an application for an adjudicative proceeding:

(a) An application for adjudicative proceeding must be filed in accordance with the following time periods:

(i) For matters under chapter 18.130 RCW, the Uniform Disciplinary Act, within twenty days of service of the initiating documents unless an extension has been granted as provided in subsection (3) of this section; and

(ii) For all other matters in which the program proposes to deny, suspend, revoke or modify a license or proposes to impose a civil fine, within twenty-eight days of receipt of the initiating documents, unless otherwise provided by statute; and

(iii) For all other matters, within twenty days of service of the initiating documents, unless otherwise provided by statute.

(b) The application for adjudicative proceeding shall be made either on the Request for Adjudicative Proceeding Form accompanying the initiating documents or by a written document containing at least the following information:

(i) Name and address of the party requesting an adjudicative proceeding;

(ii) Name and address of the attorney representing the party, if any;

(iii) Identification of the portion or portions of the initiating documents contested;

(iv) Summary of the party's position on the portion or portions contested;

(v) Statement of the party's standing to request an adjudicative proceeding under WAC 246-10-107; and

(vi) For matters not under chapter 18.130 RCW and in which the department proposes to deny, suspend, revoke or modify a license or proposes to impose a civil fine, the

application shall include a copy of the initiating document containing the adverse notice.

(c) By filing a request for adjudicative proceeding, the responding party agrees to appear personally at the adjudicative proceeding or, if otherwise approved by the presiding officer, by telephone, unless appearance is waived as authorized in WAC 246-10-104(4).

(d) The application for adjudicative proceeding shall contain a response to the initiating documents, indicating whether each charge is admitted, denied, or not contested, and responses shall be subject to the following conditions:

(i) Once admitted or not contested, an allegation may not be denied; and

(ii) An allegation denied or not contested may later be admitted.

(e) When an allegation is admitted or not contested, it shall be conclusively deemed to be true for all further proceedings. No proof of the allegation need be submitted.

(f) The application for adjudicative proceeding shall specify the representative, if any, designated pursuant to WAC 246-10-108 and any request for interpreter. The responding party shall amend the name of the representative and need for interpreter immediately if circumstances change prior to the hearing.

(g) The application for adjudicative proceeding shall be filed at the adjudicative clerk office at the address specified in WAC 246-10-102.

(2) A respondent may waive an adjudicative proceeding and submit a written statement and other documents in defense or in mitigation of the charges. Such waiver and documents shall be filed:

(a) In accordance with the timelines in subsection (1)(a) of this section; and

(b) At the address indicated in subsection (1)(g) of this section.

(3) For matters under RCW 18.130.180, if the twenty-day limit for filing an application for adjudicative proceeding results in a hardship to the respondent, the respondent may request an extension of not more than sixty days upon a showing of good cause.

(a) The request for extension shall be filed within the twenty day limit and shall include:

(i) The reason for the request and the number of days for which the extension is requested; and

(ii) Documentation of the circumstances creating the hardship.

(b) The request shall be granted for a period not to exceed sixty days upon showing of:

(i) Illness of the respondent; or

(ii) Absence of the respondent from the county of residence or employment; or

(iii) Emergency in the respondent's family; or

(iv) Other good cause as determined by the presiding officer.

(c) If a request for extension is denied, the respondent shall have ten days from service of the order denying the extension or twenty days from service of the initiating documents, whichever is longer, to file an application for adjudicative proceeding.

[Statutory Authority: RCW 18.155.040, 97-12-089, § 246-10-203, filed 6/4/97, effective 7/5/97. Statutory Authority: RCW 43.70.040, 94-04-079,

§ 246-10-203, filed 1/31/94, effective 3/3/94; 93-13-005 (Order 369), § 246-10-203, filed 6/3/93, effective 7/4/93.]

WAC 246-10-205 Scheduling orders. (1) Within thirty days after receipt of the application for adjudicative proceeding, the office of professional standards, or other designee of the secretary, shall:

(a) Approve the application for full adjudicative procedure and issue and serve on the parties a scheduling order specifying the course of the proceeding; or

(b) Approve the application for a brief adjudicative procedure and issue and serve a notice of the date by which any additional written materials are to be submitted for consideration; or

(c) Deny the application according to RCW 34.05.416.

(2) For matters under chapter 18.130 RCW, the scheduling order shall contain:

(a) The date, time, and place of a settlement conference, a prehearing conference, and the hearing;

(b) The deadlines for completion of discovery and submission of prehearing motions; and

(c) The name, address, and telephone number of the assistant attorney general or other department representative who will represent the state in the matter.

(3) The scheduling order may be modified by order of the presiding officer upon his/her own initiative or upon motion of a party. Any request for a change in the scheduling order shall be made by motion as provided in WAC 246-10-403.

(4) The presiding officer may waive establishing dates for the settlement conference, completion of discovery, submission of prehearing motions, and the prehearing conference, if, in the discretion of the presiding officer, those proceedings are not necessary or appropriate in a particular matter or type of case. However, either party may request by motion to the presiding officer that any or all of the dates be set.

(5) Dates contained in the scheduling order may be changed by the adjudicative clerk office upon written request of either party made within fifteen days of issuance of the first scheduling order. All other changes must be made by motion pursuant to WAC 246-10-403.

[Statutory Authority: RCW 18.155.040, 97-12-089, § 246-10-205, filed 6/4/97, effective 7/5/97. Statutory Authority: RCW 43.70.040, 94-04-079, § 246-10-205, filed 1/31/94, effective 3/3/94; 93-13-005 (Order 369), § 246-10-205, filed 6/3/93, effective 7/4/93.]

WAC 246-10-401 Settlement conference. (1) Following a request for an adjudicative proceeding, a settlement conference may be scheduled as provided in WAC 246-10-205. The parties shall be notified of the date, time, and place of the settlement conference.

(2) The purpose of the settlement conference shall be to attempt to reach agreement on the issues and on a proposed order to be entered. Any agreement of the parties is subject to final approval by the presiding officer.

(3) The respondent shall attend the settlement conference as scheduled and may also be represented as provided in WAC 246-10-108. Representatives of the department will also attend. Other persons may attend by agreement of the parties.

(4) Either party may bring documents or other materials to the settlement conference for the purpose of settlement negotiations. No testimony will be taken. No documents or information submitted at the settlement conference will be admitted at the adjudicative proceeding unless stipulated by the parties or otherwise admitted into evidence by the presiding officer.

(5) If a settlement offer has been made in writing to the respondent and it is signed and returned by the respondent to the adjudicative clerk office prior to the settlement conference, all subsequent dates set in the scheduling order are continued pending final review of the settlement by the presiding officer.

[Statutory Authority: RCW 18.155.040. 97-12-089, § 246-10-401, filed 6/4/97, effective 7/5/97. Statutory Authority: RCW 43.70.040. 94-04-079, § 246-10-401, filed 1/31/94, effective 3/3/94; 93-13-005 (Order 369), § 246-10-401, filed 6/3/93, effective 7/4/93.]

WAC 246-10-403 Motions. (1) The presiding officer shall rule on motions. The presiding officer may rule on motions without oral argument or may request or permit the parties to argue the motion in person or by telephone. Oral argument may be limited in time at the discretion of the presiding officer.

(2) All prehearing motions, including discovery and evidentiary motions, shall be made in writing and filed with the adjudicative clerk office prior to the dates set in the scheduling order.

(3) Motions for continuance must be made in writing and filed prior to the dates set in the scheduling order. If the adjudicative proceeding is scheduled to take place fewer than twenty days from service of the scheduling order, motions for continuance must be made within ten days of service of the scheduling order, but in no event fewer than five days prior to the hearing. Continuances may be granted by the presiding officer for good cause.

(4) The presiding officer may grant a continuance when a motion for continuance is not submitted within the time limits contained in subsection (3) of this section for good cause.

(5) The following is the recommended format for motions:

(a) A succinct statement of the facts contended to be material;

(b) A concise statement of the issue, issues or law upon which the presiding officer is requested to rule;

(c) The specific relief requested by the moving party;

(d) If the motion requires the consideration of facts or evidence not appearing on the record, the moving party shall also serve and file copies of all affidavits and photographic or documentary evidence presented in support of the motion;

(e) The legal authority upon which the motion is based; and

(f) A proposed order may accompany the motion, and should contain findings of fact and conclusions of law.

(6) The moving party shall file the motion, and the accompanying affidavits and photographic or documentary evidence when necessary, with the adjudicative clerk office and shall serve the motion, and the accompanying affidavits and photographic or documentary evidence when necessary, on all other parties.

(7) The opposing party shall file with the adjudicative clerk office, and serve upon the moving party, a responsive memorandum, and accompanying affidavits and photographic or documentary evidence when necessary, no later than eleven days following service of the motion, unless otherwise ordered by the presiding officer.

(8) The moving party may file with the adjudicative clerk office, and serve upon the opposing party, a reply memorandum no later than five days following service of the responsive memorandum, unless otherwise ordered by the presiding officer.

(9) Unless otherwise ordered by the presiding officer, all motions shall be decided without oral argument. A party requesting oral argument on a motion shall so indicate by typing "ORAL ARGUMENT REQUESTED" in the caption of the motion or the responsive memorandum. If a request for oral argument is granted, the presiding officer shall notify the parties of the date and time of the argument and whether the argument will be in person or by telephone conference.

(10) Motions to shorten time or emergency motions shall be exceptions to the rule, and a party may only make such motions in exigent or exceptional circumstances. When making such a motion, the moving party shall:

(a) Suggest a date and time when the moving party seeks to have the presiding officer hear the motion to shorten time, which should be at least forty-eight hours after filing;

(b) Suggest a date and time when the moving party seeks to have the presiding officer consider the merits of the underlying motion;

(c) Describe the exigent or exceptional circumstances justifying shortening of time in an affidavit or a memorandum accompanying the motion;

(d) Certify that the motion to shorten time and the underlying motion have been served on all other parties prior to the filing of the motion with the presiding officer. Any opposition to the motion to shorten time must be served and filed within twenty-four hours of the service of the motion. If the presiding officer grants the motion to shorten time, the presiding officer shall notify the parties of the date by which the responsive memorandum to the underlying motion shall be served and filed.

(11) All motions will be decided as soon as practical, but not more than thirty days following the filing of the motion. If the presiding officer will not decide the motion within this time, the presiding officer shall notify the parties in writing of the date by which the motion will be decided.

(12) If a party serves a motion or responsive memorandum by mail, pursuant to WAC 246-10-109, then three days shall be added to the time within which the opposing party must file and serve the responsive or reply memorandum.

(13) All computations of time shall be calculated pursuant to WAC 246-10-105.

(14) Departmental motions for summary actions are exempted from all requirements of this rule.

[Statutory Authority: RCW 18.155.040. 97-12-089, § 246-10-403, filed 6/4/97, effective 7/5/97. Statutory Authority: RCW 18.130.050 and 43.70.040. 96-21-027, § 246-10-403, filed 10/7/96, effective 11/7/96. Statutory Authority: RCW 43.70.040. 94-04-079, § 246-10-403, filed 1/31/94, effective 3/3/94; 93-13-005 (Order 369), § 246-10-403, filed 6/3/93, effective 7/4/93.]

WAC 246-10-605 Issuance of final order. If the adjudicative proceeding is conducted by a presiding officer authorized to make the final decision, the presiding officer shall:

(1) Issue a final order containing findings of fact and conclusions of law and an order; and

(2) Cause the adjudicative clerk office to serve a copy of the order on each party and any designated representative of the party.

[Statutory Authority: RCW 18.155.040. 97-12-089, § 246-10-605, filed 6/4/97, effective 7/5/97. Statutory Authority: RCW 43.70.040. 93-13-005 (Order 369), § 246-10-605, filed 6/3/93, effective 7/4/93.]

WAC 246-10-608 Initial order. If the adjudicative proceeding is conducted by a presiding officer who is not authorized to make the final decision, the presiding officer shall:

(1) Issue an initial order containing proposed findings of fact, conclusions of law, and a proposed order;

(2) Cause the adjudicative clerk office to serve a copy of the initial order on each party and any designated representative of a party; and

(3) Forward the initial order and record of the adjudicative proceeding to the adjudicative clerk office.

[Statutory Authority: RCW 18.155.040. 97-12-089, § 246-10-608, filed 6/4/97, effective 7/5/97. Statutory Authority: RCW 43.70.040. 93-13-005 (Order 369), § 246-10-608, filed 6/3/93, effective 7/4/93.]

WAC 246-10-701 Appeal from initial order. (1) Any party may file a written petition for administrative review of an initial order issued under WAC 246-10-503 or 246-10-608 stating the specific grounds upon which exception is taken and the relief requested.

(2) Petitions for administrative review must be served upon the opposing party and filed with the adjudicative clerk office within twenty-one days of service of the initial order.

(3) The opposing party may file a response to a petition for administrative review filed as provided in this section. The response shall be filed at the adjudicative clerk office. The party filing the response shall serve a copy of the response upon the party requesting administrative review. If the initial order was entered pursuant to WAC 246-10-503, the response shall be filed within ten days of service of the petition. In all other matters, the response shall be filed within twenty days of service of the petition.

[Statutory Authority: RCW 18.155.040. 97-12-089, § 246-10-701, filed 6/4/97, effective 7/5/97. Statutory Authority: RCW 43.70.040. 94-04-079, § 246-10-701, filed 1/31/94, effective 3/3/94; 93-13-005 (Order 369), § 246-10-701, filed 6/3/93, effective 7/4/93.]

WAC 246-10-704 Reconsideration of final orders.

(1) Within ten days of service of a final order, either party may file a petition for reconsideration, stating the specific grounds upon which reconsideration is requested and the relief requested.

(2) Grounds for reconsideration shall be limited to:

(a) Specific errors of fact or law; or

(b) Implementation of the final order would require department activities inconsistent with current department practice; or

(c) Specific circumstances render the person requesting

reconsideration unable to comply with the terms of the order.

(3) Petitions for reconsideration must be served upon the opposing party and filed with the adjudicative clerk office within ten days of service of the final order.

(4) If reconsideration is requested based on an error of fact, the request for reconsideration shall contain specific reference to the record. If reconsideration is requested based on testimony of record, the request for reconsideration shall contain specific reference to the testimony. The presiding officer may require that the party requesting reconsideration submit a copy of the transcript of the adjudicative proceeding and provide specific reference to the transcript.

(5) The petition for reconsideration is denied if, within twenty days of the date the petition is filed, the presiding officer:

(a) Denies the petition;

(b) Does not act upon the petition; or

(c) Does not serve the parties with notice of the date by which he/she will act on the petition.

(6) If the presiding officer determines to act upon the petition, the opposing party shall be provided at least ten days in which to file a response to the petition.

(7) Disposition of petitions for reconsideration shall be in the form of a written order denying the petition, granting the petition, and dissolving or modifying the final order, or granting the petition and setting the matter for further proceedings.

[Statutory Authority: RCW 18.155.040. 97-12-089, § 246-10-704, filed 6/4/97, effective 7/5/97. Statutory Authority: RCW 43.70.040. 94-04-079, § 246-10-704, filed 1/31/94, effective 3/3/94; 93-13-005 (Order 369), § 246-10-704, filed 6/3/93, effective 7/4/93.]

WAC 246-10-707 Vacating an order for reason of default or withdrawal. (1) A party may petition to vacate a default order entered against that party for failing to attend an adjudicative proceeding requested by that party by:

(a) Specifying the grounds relied upon in the petition; and

(b) Filing the petition at the adjudicative clerk office within seven days of service of the default order.

(2) The presiding officer shall consider the petition and shall:

(a) Grant the motion to vacate and reinstate the application for adjudicative proceeding, and may impose conditions on licensure pending final adjudication; or

(b) Deny the motion to vacate the default order.

[Statutory Authority: RCW 18.155.040. 97-12-089, § 246-10-707, filed 6/4/97, effective 7/5/97. Statutory Authority: RCW 43.70.040. 94-04-079, § 246-10-707, filed 1/31/94, effective 3/3/94; 93-13-005 (Order 369), § 246-10-707, filed 6/3/93, effective 7/4/93.]

Chapter 246-11 WAC

MODEL PROCEDURAL RULES FOR BOARDS

WAC

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WAC 246-11-010 Definitions. As used in these rules of practice and procedure, the following terms shall have the meaning set forth in this section unless the context clearly indicates otherwise. Other terms shall have their ordinary meaning unless defined elsewhere in this chapter.

"Adjudicative clerk office" shall mean the unit with responsibility for: Docketing; service of orders; and maintaining custody of the adjudicative proceeding record, whose address is:

Department of Health
 Adjudicative Clerk Office
 2413 Pacific Avenue
 PO Box 47879
 Olympia, WA 98504-7879

"Adjudicative proceeding" or "hearing" shall mean a proceeding required by statute or constitutional right and conducted under the rules of this chapter, which provides an opportunity to be heard by the board prior to the entry of a final order under this chapter.

"Board" shall mean a disciplining authority under RCW 18.130.040 (2)(b) and (3).

"Brief adjudicative proceeding" shall mean an adjudicative proceeding or hearing, the scope or conduct of which is limited as provided in this chapter.

"Department" shall mean the Washington state department of health and, where appropriate, the secretary of the Washington state department of health or the secretary's designee.

"Docket" or "docketing" shall mean the list or calendar of causes set to be heard at a specified time, prepared by the adjudicative clerk office for the use of the department.

"Filing" shall mean receipt by the adjudicative clerk office.

"Initiating document" shall mean a written agency document which initiates action against a license holder or applicant for license and which creates the right to an adjudicative proceeding. It may be entitled a statement of charges, notice of intent to deny, or by any other designation indicating the action or proposed action to be taken.

"License" shall have the meaning set forth in RCW 34.05.010 and includes license to practice the profession for which the board is the disciplining authority and any approval of school or curriculum required by law or rule to be obtained from the board.

"Presiding officer" shall mean the person who is assigned to conduct an adjudicative proceeding and who may either be a member of the board, an individual appointed pursuant to RCW 18.130.095(3), or an administrative law judge employed by the office of administrative hearings.

"Presiding officer for brief adjudicative proceedings" shall mean an employee of the department authorized by the board to conduct brief adjudicative proceedings.

"Program" shall mean the administrative unit within the department responsible for implementation of that chapter of

Title 18 RCW establishing the board or its powers and responsibilities.

"Prompt adjudicative proceeding" or "prompt hearing" shall mean a hearing conducted at the request of the license holder or applicant for license following summary action taken in accord with this chapter against that license holder or applicant.

"Protective order" shall mean an order issued under this chapter which limits the use of, access to, or disclosure of information or evidence.

"Respondent" shall mean a license holder or applicant for license under the jurisdiction of the board who is named in an initiating document.

"Secretary" shall mean the secretary of the department of health or his/her designee.

"Summary action" shall mean an agency action to address an immediate danger to the public health, safety, or welfare and shall include, but not be limited to, a cease and desist order, an order of summary suspension, and an order of summary restriction of a license.

[Statutory Authority: RCW 18.155.040, 97-13-015, § 246-11-010, filed 6/6/97, effective 7/7/97. Statutory Authority: RCW 18.130.050(1) and 18.130.060(3), 94-04-078, § 246-11-010, filed 1/31/94, effective 3/3/94. Statutory Authority: RCW 18.130.050(1) and 34.05.220, 93-08-003 (Order 347), § 246-11-010, filed 3/24/93, effective 4/24/93.]

WAC 246-11-070 Representation. (1) License holders, applicants for license, and recipients of benefits may be represented subject to the following conditions:

(a) A license holder or applicant for license may represent himself/herself or may be represented by an attorney who has complied with the admission to practice rules of the supreme court of the state of Washington;

(b) Every attorney representing a license holder or applicant for license shall file a notice of appearance with the adjudicative clerk office upon commencing representation, and shall file a notice of withdrawal of counsel with the adjudicative clerk office upon terminating representation.

(c) No license holder or applicant may be represented in an adjudicative proceeding by an employee of the department.

(2) No current or former employee of the department may appear as an expert, character witness, or representative of any party other than the state of Washington if he/she took an active part in investigating or evaluating the case or represented the agency in the matter, unless written permission of the secretary is granted. No current or former member of the attorney general's office staff who participated personally and substantially in investigating or evaluating the matter at issue while so employed may represent a party or otherwise participate in a related proceeding without first having obtained the written consent of the attorney general's office.

[Statutory Authority: RCW 18.155.040, 97-13-015, § 246-11-070, filed 6/6/97, effective 7/7/97. Statutory Authority: RCW 18.130.050(1), 93-08-003 (Order 347), § 246-11-070, filed 3/24/93, effective 4/24/93.]

WAC 246-11-080 Service and filing. (1) A party filing a pleading, brief, or paper other than an initiating document or application for an adjudicative proceeding as required or permitted by these rules, shall serve a copy of the paper upon the opposing party or any designated repre-

sentative of the opposing party prior to or simultaneous with filing.

(2) Unless otherwise provided by law, filing and service shall be made by personal service; first class, registered, or certified mail.

(3) Filing shall be complete upon actual receipt during normal business hours at the adjudicative clerk office, unless filing is directed in writing to be made to another address.

(4) Service shall be complete when personal service is made; mail is properly stamped, addressed, and deposited in the United States mail.

(5) Proof of service shall consist of filing as required by these rules, together with one of the following:

(a) An acknowledgement of service;

(b) A certificate of service including the date the papers were served, the parties upon whom served, the signature of the serving party, and a statement that service was completed by:

(i) Personal service; or

(ii) Mailing in the United States mail a copy properly addressed with postage and fees prepaid to each party and each designated representative.

[Statutory Authority: RCW 18.155.040. 97-13-015, § 246-11-080, filed 6/6/97, effective 7/7/97. Statutory Authority: RCW 18.130.050(1) and 18.130.060(3). 94-04-078, § 246-11-080, filed 1/31/94, effective 3/3/94. Statutory Authority: RCW 18.130.050(1). 93-08-003 (Order 347), § 246-11-080, filed 3/24/93, effective 4/24/93.]

WAC 246-11-200 Notice to limited-English-speaking parties. When the program or the adjudicative clerk office is notified or otherwise made aware that a limited-English-speaking person is a party in an adjudicative proceeding, all notices concerning the hearing, including notices of hearing, continuance, and dismissal, shall either be in the primary language of the party or shall include a notice in the primary language of the party which describes the significance of the notice and how the party may receive assistance in understanding and, if necessary, responding to the notice.

[Statutory Authority: RCW 18.155.040. 97-13-015, § 246-11-200, filed 6/6/97, effective 7/7/97. Statutory Authority: RCW 18.130.050(1) and 34.05.220. 93-08-003 (Order 347), § 246-11-200, filed 3/24/93, effective 4/24/93.]

WAC 246-11-210 Interpreters. (1) A "hearing impaired person" means a person who, because of a hearing impairment or speech defect cannot readily understand or communicate in spoken language. A "hearing impaired person" includes a person who is deaf, deaf and blind, or hard of hearing.

(2) A "limited-English-speaking person" means a person who because of a non-English speaking cultural background cannot readily speak or understand the English language.

(3) If a hearing impaired person or a limited-English-speaking person is involved in an adjudicative proceeding and a need for an interpreter is made known to the adjudicative clerk office, the presiding officer shall appoint an interpreter who is acceptable to the parties or, if the parties are unable to agree on an interpreter, the presiding officer shall select and appoint an interpreter.

(4) Before beginning to interpret, an interpreter shall take an oath or make affirmation that:

(a) A true interpretation shall be made to the impaired person of all the proceedings in a language or in a manner the impaired person understands; and

(b) The interpreter shall repeat the statements of the impaired person to the presiding officer, in the English language, to the best of the interpreter's skill and judgment.

(5) When an interpreter is used in a proceeding:

(a) The interpreter shall translate all statements made by other participants in the proceeding;

(b) The presiding officer shall ensure sufficient extra time is provided to permit translation; and

(c) The presiding officer shall ensure that the interpreter translates the entire proceeding to the hearing impaired person or limited-English-speaking person to the extent that the person has the same opportunity to understand the statements made as would a person not requiring an interpreter.

(6) An interpreter appointed under this section shall be entitled to a reasonable fee for services, including waiting time and reimbursement for actual necessary travel expenses. The program shall pay the interpreter fee and expenses incurred for interpreters for license holders, applicants, or recipients of benefits. The party on whose behalf a witness requiring an interpreter appears shall pay for interpreter services for that witness.

(7) All proceedings shall be conducted consistent with chapters 2.42 and 2.43 RCW.

[Statutory Authority: RCW 18.155.040. 97-13-015, § 246-11-210, filed 6/6/97, effective 7/7/97. Statutory Authority: RCW 18.130.050(1) and 34.05.220. 93-08-003 (Order 347), § 246-11-210, filed 3/24/93, effective 4/24/93.]

WAC 246-11-270 Request for adjudicative proceeding. A respondent may respond to an initiating document by filing an application for an adjudicative proceeding or by waiving the opportunity for adjudicative proceeding.

(1) If the respondent wishes to file an application for an adjudicative proceeding:

(a) An application for adjudicative proceeding must be filed in accordance with the following time periods:

(i) For matters under chapter 18.130 RCW, the Uniform Disciplinary Act, within twenty days of service of the initiating documents unless and extension has been granted as provided in subsection (3) of this section; and

(ii) For all other matters, within twenty days of service of the initiating documents, unless otherwise provided by statute.

(b) The application for adjudicative proceeding shall be made on the Request for Adjudicative Proceeding form accompanying the initiating documents or by a written document including substantially the same information.

(c) By filing a request for adjudicative proceeding, the responding party agrees to appear personally at the adjudicative proceeding or, if otherwise approved by the presiding officer, by telephone, unless appearance is waived as authorized in WAC 246-11-130(4).

(d) The application for adjudicative proceeding shall contain a response to the initiating documents, indicating whether each charge is admitted, denied or not contested, and responses shall be subject to the following conditions:

(i) Once admitted or not contested, an allegation may not be denied; and

(ii) An allegation denied or not contested may later be admitted.

(e) When an allegation is admitted or not contested, it shall be conclusively deemed to be true for all further proceedings. No proof of the allegation need be submitted.

(f) The application for adjudicative proceeding shall specify the representative, if any, designated pursuant to WAC 246-11-070 and any request for interpreter. The responding party shall amend the name of the representative and need for interpreter immediately if circumstances change prior to the hearing.

(g) The application for adjudicative proceeding shall be filed at the adjudicative clerk office.

(2) A respondent may waive an adjudicative proceeding and submit a written statement and other documents in defense or in mitigation of the charges. Such waiver and documents shall be filed:

(a) In accordance with the timelines in subsection (1)(a) of this section; and

(b) At the address indicated in subsection (1)(g) of this section.

(3) For matters under RCW 18.130.180, if the twenty-day limit for filing an application for adjudicative proceeding results in a hardship to the respondent, the respondent may request an extension of not more than sixty days upon a showing of good cause.

(a) The request for extension shall be filed within the twenty-day limit and shall include:

(i) The reason for the request and the number of days for which the extension is requested; and

(ii) Documentation of the circumstances creating the hardship.

(b) The request shall be granted for a period not to exceed sixty days upon showing of:

(i) Illness of the respondent; or

(ii) Absence of the respondent from the county of residence or employment; or

(iii) Emergency in the respondent's family; or

(iv) Other good cause as determined by the presiding officer.

(c) If a request for extension is denied, the respondent shall have ten days from service of the order denying the extension or twenty days from service of the initiating documents, whichever is longer, to file an application for adjudicative proceeding.

[Statutory Authority: RCW 18.155.040. 97-13-015, § 246-11-270, filed 6/6/97, effective 7/7/97. Statutory Authority: RCW 18.130.050(1) and 18.130.060(3). 94-04-078, § 246-11-270, filed 1/31/94, effective 3/3/94. Statutory Authority: RCW 18.130.050(1) and 34.05.220. 93-08-003 (Order 347), § 246-11-270, filed 3/24/93, effective 4/24/93.]

WAC 246-11-290 Scheduling orders. (1) Within thirty days after receipt of the application for adjudicative proceeding, the board or designee thereof, shall:

(a) Approve the application for full adjudicative procedure and issue and serve on the parties a scheduling order or other scheduling mechanism establishing timelines for discovery, settlement, and scheduled hearings; or

(b) Approve the application for a brief adjudicative procedure and issue and serve a notice of the date by which

any additional written materials are to be submitted for consideration; or

(c) Deny the application according to RCW 34.05.416.

(2) If a scheduling order is issued:

(a) The scheduling order shall specify:

(i) The date, time, and place of a settlement conference, a prehearing conference, and the hearing;

(ii) The deadlines for completion of discovery and submission of prehearing motions; and

(iii) The name, address, and telephone number of the assistant attorney general or other department representative who will represent the state in the matter.

(b) The scheduling order may be modified by order of the presiding officer upon his/her own initiative or upon motion of a party. Any request for change of the scheduling mechanism or order shall be made by motion as provided in WAC 246-11-380.

(c) The presiding officer may waive establishing dates for the settlement conference, completion of discovery, submission of prehearing motions, and the prehearing conference, if, in the discretion of the presiding officer, those proceedings are not necessary or appropriate in a particular matter or type of case. However, either party may request by motion to the presiding officer that any or all of the dates be set.

(d) Dates contained in the scheduling order may be changed by the adjudicative clerk office upon written request of either party made within fifteen days of issuance of the first scheduling order. All other changes must be made by motion pursuant to WAC 246-11-380.

[Statutory Authority: RCW 18.155.040. 97-13-015, § 246-11-290, filed 6/6/97, effective 7/7/97. Statutory Authority: RCW 18.130.050(1) and 18.130.060(3). 94-04-078, § 246-11-290, filed 1/31/94, effective 3/3/94. Statutory Authority: RCW 18.130.050(1) and 34.05.419. 93-08-003 (Order 347), § 246-11-290, filed 3/24/93, effective 4/24/93.]

WAC 246-11-380 Motions. (1) The presiding officer shall rule on motions. The presiding officer may rule on motions without oral argument or may request or permit the parties to argue the motion in person or by telephone. Oral argument may be limited in time at the discretion of the presiding officer.

(2) All prehearing motions, including discovery and evidentiary motions, shall be made in writing and filed prior to the dates set in the scheduling order. Filing shall be at the adjudicative clerk office, unless filing is directed in writing to be made at another address.

(3) Motions for continuance must be made in writing and filed prior to the dates set in the scheduling order. If the adjudicative proceeding is scheduled to take place fewer than twenty days from service of the scheduling order, motions for continuance must be made within ten days of service of the scheduling order, but in no event fewer than five days prior to the hearing. Continuances may be granted by the presiding officer for good cause.

(4) The presiding officer may grant a continuance when a motion for continuance is not submitted within the time limits contained in subsection (3) of this section for good cause.

(5) The following is the recommended format for motions:

(a) A succinct statement of the facts contended to be material;

(b) A concise statement of the issue, issues or law upon which the presiding officer is requested to rule;

(c) The specific relief requested by the moving party;

(d) If the motion requires the consideration of facts or evidence not appearing on the record, the moving party shall also serve and file copies of all affidavits and photographic or documentary evidence presented in support of the motion;

(e) The legal authority upon which the motion is based; and

(f) A proposed order may accompany the motion, and should contain findings of fact and conclusions of law.

(6) The moving party shall file the motion, and the accompanying affidavits and photographic or documentary evidence when necessary, with the board's office and with the presiding officer, and shall serve the motion, and the accompanying affidavits and photographic or documentary evidence when necessary, on all other parties.

(7) The opposing party shall file with the adjudicative clerk office, and serve upon the moving party, a responsive memorandum, and accompanying affidavits and photographic or documentary evidence when necessary, no later than eleven days following service of the motion, unless otherwise ordered by the presiding officer.

(8) The moving party may file with the adjudicative clerk office, and serve upon the opposing party, a reply memorandum no later than five days following service of the responsive memorandum, unless otherwise ordered by the presiding officer.

(9) Unless otherwise ordered by the presiding officer, all motions shall be decided without oral argument. A party requesting oral argument on a motion shall so indicate by typing "ORAL ARGUMENT REQUESTED" in the caption of the motion or the responsive memorandum. If a request for oral argument is granted, the presiding officer shall notify the parties of the date and time of the argument and whether the argument will be in person or by telephone conference.

(10) Motions to shorten time or emergency motions shall be exceptions to the rule, and a party may only make such motions in exigent or exceptional circumstances. When making such a motion, the moving party shall:

(a) Suggest a date and time when the moving party seeks to have the presiding officer hear the motion to shorten time, which should be at least forty-eight hours after filing;

(b) Suggest a date and time when the moving party seeks to have the presiding officer consider the merits of the underlying motion;

(c) Describe the exigent or exceptional circumstances justifying shortening of time in an affidavit or a memorandum accompanying the motion;

(d) Certify that the motion to shorten time and the underlying motion have been served on all other parties prior to the filing of the motion with the presiding officer. Any opposition to the motion to shorten time must be served and filed within twenty-four hours of the service of the motion. If the presiding officer grants the motion to shorten time, the presiding officer shall notify the parties of the date by which the responsive memorandum to the underlying motion shall be served and filed.

(11) All motions will be decided as soon as practical, but not more than thirty days following the filing of the motion. If the presiding officer will not decide the motion within this time, the presiding officer shall notify the parties in writing of the date by which the motion will be decided.

(12) If a party serves a motion or responsive memorandum by mail, pursuant to WAC 246-11-080, then three days shall be added to the time within which the opposing party must file and serve the responsive or reply memorandum. Service by electronic telefacsimile transmission (FAX) upon each party is permitted upon agreement of the parties, with proof of confirmation of service to be filed with the presiding officer.

(13) All computations of time shall be calculated pursuant to WAC 246-11-040.

(14) Departmental motions for summary actions are exempted from all requirements of this section.

[Statutory Authority: RCW 18.155.040. 97-13-015, § 246-11-380, filed 6/6/97, effective 7/7/97. Statutory Authority: RCW 18.130.050 and 43.70.040. 96-21-027, § 246-11-380, filed 10/7/96, effective 11/7/96. Statutory Authority: RCW 18.130.050(1) and 18.130.060(3). 94-04-078, § 246-11-380, filed 1/31/94, effective 3/3/94. Statutory Authority: RCW 18.130.050(1). 93-08-003 (Order 347), § 246-11-380, filed 3/24/93, effective 4/24/93.]

WAC 246-11-510 Issuance of final order. If the adjudicative proceeding is heard by the board or a panel of the board the presiding officer and board or panel of the board shall:

(1) Issue a final order containing findings of fact and conclusions of law and an order; and

(2) Cause the adjudicative clerk office to serve a copy of the order on each party and any designated representative of the party.

[Statutory Authority: RCW 18.155.040. 97-13-015, § 246-11-510, filed 6/6/97, effective 7/7/97. Statutory Authority: RCW 18.130.050(1) and 18.130.060(3). 94-04-078, § 246-11-510, filed 1/31/94, effective 3/3/94. Statutory Authority: RCW 18.130.050(1). 93-08-003 (Order 347), § 246-11-510, filed 3/24/93, effective 4/24/93.]

WAC 246-11-540 Initial order. (1) If the adjudicative proceeding is not heard by the board or panel of the board the presiding officer shall:

(a) Issue an initial order containing proposed findings of fact, conclusions of law, and a proposed order;

(b) Cause the adjudicative clerk office to serve a copy of the initial order on each party and any designated representative of a party; and

(c) Forward the initial order and record of the adjudicative proceeding to the adjudicative clerk office.

(2) Initial orders on brief adjudicative proceedings shall become final orders as provided in WAC 246-11-540.

(3) Following receipt of initial orders in matters other than brief adjudicative proceedings, the board shall review the initial order and the record as provided in RCW 34.05.464, and issue a final order as provided in WAC 246-11-560.

[Statutory Authority: RCW 18.155.040. 97-13-015, § 246-11-540, filed 6/6/97, effective 7/7/97. Statutory Authority: RCW 18.130.050(1) and 18.130.060(3). 94-04-078, § 246-11-540, filed 1/31/94, effective 3/3/94. Statutory Authority: RCW 18.130.050(1). 93-08-003 (Order 347), § 246-11-540, filed 3/24/93, effective 4/24/93.]

WAC 246-11-550 Appeal from initial order. (1)

Any party may file a written petition for administrative review of an initial order issued under WAC 246-11-430 or WAC 246-11-540 stating the specific grounds upon which exception is taken and the relief requested.

(2) Petitions for administrative review must be served upon the opposing party and filed with the adjudicative clerk office within twenty-one days of service of the initial order.

(3) The opposing party may file a response to a petition for administrative review as provided in this section. The response shall be filed at the place specified in subsection (2) of this section. The party filing the response shall serve a copy of the response upon the party requesting administrative review. If the initial order was entered pursuant to WAC 246-11-430, the response will be filed within ten days of service of the petition. In all other matters, the response will be filed within twenty days of service of the petition.

[Statutory Authority: RCW 18.155.040. 97-13-015, § 246-11-550, filed 6/6/97, effective 7/7/97. Statutory Authority: RCW 18.130.050 and 43.70.040. 96-21-027, § 246-11-550, filed 10/7/96, effective 11/7/96. Statutory Authority: RCW 18.130.050(1) and 34.05.464. 93-08-003 (Order 347), § 246-11-550, filed 3/24/93, effective 4/24/93.]

WAC 246-11-580 Reconsideration of final orders.

(1) Within ten days of service of a final order, either party may file a petition for reconsideration, stating the specific grounds upon which reconsideration is requested and the relief requested.

(2) Grounds for reconsideration shall be limited to:

(a) Specific errors of fact or law; or

(b) Implementation of the final order would require department activities inconsistent with current department practice; or

(c) Specific circumstances render the person requesting the reconsideration unable to comply with the terms of the order.

(3) Petitions for reconsideration must be served upon the opposing party and filed with the adjudicative clerk office within ten days of service of the final order.

(4) If reconsideration is requested based on an error of fact, the request for reconsideration shall contain specific reference to the record. If reconsideration is requested based on testimony of record, the request for reconsideration shall contain specific reference to the testimony. The presiding officer may require that the party requesting reconsideration submit a copy of the transcript of the adjudicative proceeding and provide specific reference to the transcript.

(5) The petition for reconsideration is denied if, within twenty days of the date the petition is filed, the presiding officer:

(a) Denies the petition;

(b) Does not act upon the petition; or

(c) Does not serve the parties with notice of the date by which he/she will act on the petition.

(6) If the presiding officer determines to act upon the petition, the opposing party shall be provided at least ten days in which to file a response to the petition.

(7) Disposition of petitions for reconsideration shall be in the form of a written order denying the petition, granting the petition and dissolving or modifying the final order, or granting the petition and setting the matter for further proceedings.

[Statutory Authority: RCW 18.155.040. 97-13-015, § 246-11-580, filed 6/6/97, effective 7/7/97. Statutory Authority: RCW 18.130.050(1) and 18.130.060(3). 94-04-078, § 246-11-580, filed 1/31/94, effective 3/3/94. Statutory Authority: RCW 18.130.050(1) and 34.05.470. 93-08-003 (Order 347), § 246-11-580, filed 3/24/93, effective 4/24/93.]

WAC 246-11-610 Vacating an order for reason of default or withdrawal. (1) A party may petition to vacate a default order entered against that party for failing to attend an adjudicative proceeding requested by that party by:

(a) Specifying the grounds relied upon in the petition; and

(b) Filing the petition at the adjudicative clerk office within seven days of service of the default order.

(2) The presiding officer shall consider the petition and shall:

(a) Grant the motion to vacate and reinstate the application for adjudicative proceeding, and may impose conditions on licensure pending final adjudication; or

(b) Deny the motion to vacate the default order.

[Statutory Authority: RCW 18.155.040. 97-13-015, § 246-11-610, filed 6/6/97, effective 7/7/97. Statutory Authority: RCW 18.130.050(1) and 18.130.060(3). 94-04-078, § 246-11-610, filed 1/31/94, effective 3/3/94. Statutory Authority: RCW 18.130.050(1) and 34.05.220. 93-08-003 (Order 347), § 246-11-610, filed 3/24/93, effective 4/24/93.]

Chapter 246-100 WAC

COMMUNICABLE AND CERTAIN OTHER DISEASES

WAC

246-100-011	Definitions.
246-100-036	Responsibilities and duties—Local health officers.
246-100-072	Rules for notification of partners at risk of HIV infection.
246-100-206	Special diseases—Sexually transmitted diseases.
246-100-207	Human immunodeficiency virus (HIV) testing—Ordering—Laboratory screening—Interpretation—Reporting.
246-100-209	Counseling standards—Human immunodeficiency virus (HIV) pretest counseling—HIV post-test counseling.

WAC 246-100-011 Definitions. The following definitions shall apply in the interpretation and enforcement of chapter 246-100 WAC:

(1) "Acquired immunodeficiency syndrome (AIDS)" means illness, disease, or conditions defined and described by the Centers for Disease Control, U.S. Public Health Service, Morbidity and Mortality Weekly Report (MMWR), December 18, 1992, Volume 41, Number RR-17.

(2) "AIDS counseling" means counseling directed toward:

(a) Increasing the individual's understanding of acquired immunodeficiency syndrome; and

(b) Assessing the individual's risk of HIV acquisition and transmission; and

(c) Affecting the individual's behavior in ways to reduce the risk of acquiring and transmitting HIV infection.

(3) "Board" means the Washington state board of health.

(4) "Carrier" means a person harboring a specific infectious agent and serving as a potential source of infection to others, but who may or may not have signs and/or symptoms of the disease.

(5) "Case" means a person, alive or dead, having been diagnosed to have a particular disease or condition by a health care provider with diagnosis based on clinical or laboratory criteria or both.

(6) "Category A disease or condition" means a reportable disease or condition of urgent public health importance, a case or suspected case of which must be reported to the local or state health officer immediately at the time of diagnosis or suspected diagnosis.

(7) "Category B disease or condition" means a reportable disease or condition of public health importance, a case of which must be reported to the local health officer no later than the next working day following date of diagnosis.

(8) "Category C disease or condition" means a reportable disease or condition of public health importance, a case of which must be reported to the local health officer within seven days of diagnosis.

(9) "Child day care facility" means an agency regularly providing care for a group of children for less than twenty-four hours a day and subject to licensing under chapter 74.15 RCW.

(10) "Communicable disease" means an illness caused by an infectious agent which can be transmitted from one person, animal, or object to another person by direct or indirect means including transmission via an intermediate host or vector, food, water, or air.

(11) "Contact" means a person exposed to an infected person, animal, or contaminated environment which might provide an opportunity to acquire the infection.

(12) "Department" means the Washington state department of social and health services.

(13) "Detention" or "detainment" means physical restriction of activities of an individual by confinement, consistent with WAC 246-100-206(8), for the purpose of monitoring and eliminating behaviors presenting imminent danger to public health and may include physical plant, facilities, equipment, and/or personnel to physically restrict activities of the individual to accomplish such purposes.

(14) "Food handler" means any person preparing, processing, handling, or serving food or beverages for people other than members of his or her household.

(15) "Food service establishment" means any establishment where food or beverages are prepared for sale or service on the premises or elsewhere, and any other establishment or operation where food is served or provided for the public with or without charge.

(16) "Health care facility" means:

(a) Any facility or institution licensed under chapter 18.20 RCW, boarding home, chapter 18.46 RCW, maternity homes, chapter 18.51 RCW, nursing homes, chapter 70.41 RCW, hospitals, or chapter 71.12 RCW, private establishments, clinics, or other settings where one or more health care providers practice; and

(b) In reference to a sexually transmitted disease, other settings as defined in chapter 70.24 RCW.

(17) "Health care provider" means any person having direct or supervisory responsibility for the delivery of health care or medical care who is:

(a) Licensed or certified in this state under Title 18 RCW; or

(b) Is military personnel providing health care within the state regardless of licensure.

(18) "HIV testing" means conducting a laboratory test or sequence of tests to detect the human immunodeficiency virus (HIV) or antibodies to HIV performed in accordance with requirements to WAC 246-100-207. To assure that the protection, including but not limited to, pre- and post-test counseling, consent, and confidentiality afforded to HIV testing as described in chapter 246-100 WAC also applies to the enumeration of CD4+ (T4) lymphocyte counts (CD4+ counts) and CD4+ (T4) percents of total lymphocytes (CD4+ percents) when used to diagnose HIV infection, CD4+ counts and CD4+ percents will be presumed HIV testing except when shown by clear and convincing evidence to be for use in the following circumstances:

(a) Monitoring previously diagnosed infection with HIV;

(b) Monitoring organ or bone marrow transplants;

(c) Monitoring chemotherapy;

(d) Medical research; or

(e) Diagnosis or monitoring of congenital immunodeficiency states or autoimmune states not related to HIV.

The burden of proving the existence of one or more of the circumstances identified in (a) through (e) of this subsection shall be on the person asserting such existence.

(19) "Infection control measures" means the management of infected persons, persons suspected to be infected, and others in such a manner as to prevent transmission of the infectious agent.

(20) "Isolation" means the separation or restriction of activities of infected persons, or of persons suspected to be infected, from other persons to prevent transmission of the infectious agent.

(21) "Laboratory director" means the director or manager, by whatever title known, having the administrative responsibility in any medical laboratory.

(22) "Local health department" means the city, town, county, or district agency providing public health services to persons within the area, as provided in chapter 70.05 RCW and chapter 70.08 RCW.

(23) "Local health officer" means the individual having been appointed under chapter 70.05 RCW as the health officer for the local health department, or having been appointed under chapter 70.08 RCW as the director of public health of a combined city-county health department.

(24) "Medical laboratory" means any facility analyzing specimens of original material from the human body for purposes of patient care.

(25) "Nosocomial infection" means an infection acquired in a hospital or other health care facility.

(26) "Outbreak" means the occurrence of cases of a disease or condition in any area over a given period of time in excess of the expected number of cases.

(27) "Post-test counseling" means counseling after the HIV test when results are provided and directed toward:

(a) Increasing the individual's understanding of human immunodeficiency virus (HIV) infection;

(b) Affecting the individual's behavior in ways to reduce the risk of acquiring and transmitting HIV infection;

(c) Encouraging the individual testing positive to notify persons with whom there has been contact capable of spreading HIV;

(d) Assessing emotional impact of HIV test results; and
 (e) Appropriate referral for other community support services.

(28) "Pretest counseling" means counseling provided prior to HIV testing and aimed at:

(a) Helping an individual to understand:

(i) Ways to reduce the risk of human immunodeficiency virus (HIV) transmission;

(ii) The nature, purpose, and potential ramifications of HIV testing;

(iii) The significance of the results of HIV testing; and

(iv) The dangers of HIV infection; and

(b) Assessing the individual's ability to cope with the results of HIV testing.

(29) "Principal health care provider" means the attending physician or other health care provider recognized as primarily responsible for diagnosis and treatment of a patient or, in the absence of such, the health care provider initiating diagnostic testing or therapy for a patient.

(30) "Quarantine" means the separation or restriction on activities of a person having been exposed to or infected with an infectious agent, to prevent disease transmission.

(31) "Reportable disease or condition" means a disease or condition of public health importance, a case of which, and for certain diseases, a suspected case of which, must be brought to the attention of the local health officer.

(32) "School" means a facility for programs of education as defined in RCW 28A.210.070 (preschool and kindergarten through grade twelve).

(33) "Sexually transmitted disease (STD)" means a bacterial, viral, fungal, or parasitic disease or condition which is usually transmitted through sexual contact, including:

(a) Acute pelvic inflammatory disease;

(b) Chancroid;

(c) Chlamydia trachomatis infection;

(d) Genital and neonatal herpes simplex;

(e) Genital human papilloma virus infection;

(f) Gonorrhea;

(g) Granuloma inguinale;

(h) Hepatitis B infection;

(i) Human immunodeficiency virus infection (HIV) and acquired immunodeficiency syndrome (AIDS);

(j) Lymphogranuloma venereum;

(k) Nongonococcal urethritis (NGU); and

(l) Syphilis.

(34) "Spouse" means any individual who is the marriage partner of an HIV-infected individual, or who has been the marriage partner of the HIV-infected individual within the ten-year period prior to the diagnosis of HIV-infection, and evidence exists of possible exposure to HIV.

(35) "State health officer" means the person designated by the secretary of the department to serve as statewide health officer, or, in the absence of such designation, the person having primary responsibility for public health matters in the state.

(36) "Suspected case" means a person whose diagnosis is thought likely to be a particular disease or condition with suspected diagnosis based on signs and symptoms, laboratory evidence, or both.

(37) "Unusual communicable disease" means a commu-

nicable disease which is not commonly seen in the state of Washington but which is of general public health concern including, but not limited to, Lassa fever, smallpox, typhus, and yellow fever.

(38) "Veterinarian" means an individual licensed under provisions of chapter 18.92 RCW, veterinary medicine, surgery, and dentistry and practicing animal health care.

[Statutory Authority: RCW 70.24.022, [70.24].340 and Public Law 104-146. 97-15-099, § 246-100-011, filed 7/21/97, effective 7/21/97. Statutory Authority: Chapter 70.24 RCW. 93-08-036 (Order 354B), § 246-100-011, filed 4/1/93, effective 5/2/93. Statutory Authority: RCW 43.20.050 and 70.24.130. 92-02-019 (Order 225B), § 246-100-011, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-100-011, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.24 RCW. 89-07-095 (Order 325), § 248-100-011, filed 3/22/89; 88-17-057 (Order 317), § 248-100-011, filed 8/17/88. Statutory Authority: RCW 43.20.050. 88-07-063 (Order 308), § 248-100-011, filed 3/16/88; 87-11-047 (Order 302), § 248-100-011, filed 5/19/87.]

**WAC 246-100-036 Responsibilities and duties—
 Local health officers.** (1) The local health officer shall review and determine appropriate action for:

(a) Each reported case or suspected case of a reportable disease or condition;

(b) Any disease or condition considered a threat to public health;

(c) Each reported outbreak or suspected outbreak of disease, requesting assistance from the department in carrying out investigations when necessary; and

(d) Instituting disease prevention and infection control, isolation, detention, and quarantine measures necessary to prevent the spread of communicable disease, invoking the power of the courts to enforce these measures when necessary.

(2) Local health officers shall:

(a) Submit reports to the state health officer as required in chapter 246-100 WAC;

(b) Establish a system at the local health department for maintaining confidentiality of written records and written and telephoned disease case reports consistent with WAC 246-100-016;

(c) Notify health care providers within the health district regarding requirements in this chapter;

(d) Distribute appropriate report forms to persons responsible for reporting;

(e) Notify the principal health care provider, if possible, prior to initiating a case investigation by the local health department;

(f) Make HIV testing, AIDS counseling, and pretest and post-test counseling, as defined in this chapter, available for voluntary, mandatory, and anonymous testing and counseling as required by RCW 70.24.400;

(g) Make information on anonymous HIV testing, AIDS counseling, and pretest and post-test counseling, as described under WAC 246-100-208 and 246-100-209, available;

(h) Use identifying information on HIV-infected individuals provided according to WAC 246-100-072 only:

(i) For purposes of contacting the HIV-positive individual to provide test results and post-test counseling; or

(ii) To contact sex and injection equipment-sharing partners, including spouses; and

(i) Destroy documentation of referral information

established in WAC 246-100-072 and this subsection containing identities and identifying information on HIV-infected individuals and at-risk partners of those individuals immediately after notifying partners or within three months, whichever occurs first.

(3) Each local health officer has the authority to:

(a) Carry out additional steps determined to be necessary to verify a diagnosis reported by a health care provider;

(b) Require any person suspected of having a reportable disease or condition to submit to examinations required to determine the presence of the disease or condition; and

(c) Investigate any case or suspected case of a reportable disease or condition or other illness, communicable or otherwise, if deemed necessary.

(4) Local health officers shall conduct investigations and institute control measures consistent with those indicated in the fifteenth edition 1990 of *Control of Communicable Diseases in Man*, edited by Abram S. Benenson, published by the American public health association, except:

(a) When superseded by more up-to-date measures, or

(b) When other measures are more specifically related to Washington state.

[Statutory Authority: RCW 70.24.022, [70.24].340 and Public Law 104-146. 97-15-099, § 246-100-036, filed 7/21/97, effective 7/21/97. Statutory Authority: RCW 43.20.050 and 70.24.130. 92-02-019 (Order 225B), § 246-100-036, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-100-036, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.24 RCW. 89-02-008 (Order 324), § 248-100-036, filed 12/27/88. Statutory Authority: RCW 43.20.050. 88-07-063 (Order 308), § 248-100-036, filed 3/16/88.]

WAC 246-100-072 Rules for notification of partners at risk of HIV infection. (1) A health care provider may consult with the local health officer or an authorized representative about an HIV-infected individual without identifying the individual.

(2) Only under the specific circumstances listed below, a principal health care provider shall report the identity of sex or injection equipment-sharing partners, including spouses, of an HIV-infected individual to the local health officer or an authorized representative:

(a) After being informed of the necessity to notify sex and injection-equipment sharing partners, including spouses, and confirm notification to the health care provider, the HIV-infected individual either refuses or is unable to notify partners that partners:

(i) May have been exposed to and infected with HIV; and

(ii) Should seek HIV-pretest counseling and consider HIV testing; and

(b) The HIV-infected individual neither accepts assistance nor agrees to referral to the local health officer or an authorized representative for assistance in notifying partners.

(3) Only in the specific circumstances listed below, a principal health care provider shall report the identity of an individual with a positive HIV test result to the local health officer or an authorized representative:

(a) The principal health care provider provided pretest counseling as described in WAC 246-100-209(1) before the individual was tested; and

(b) The principal health care provider made efforts, but was unable to meet face-to-face with the individual to notify

the individual of the HIV-test result and to provide post-test counseling as required in WAC 246-100-209 in order to assure partner notification.

(4) A health care provider shall not disclose the identity of an HIV-infected individual or the identity of sex and injection equipment-sharing partners, including spouses, at risk of HIV infection, except as authorized in RCW 70.24.105, WAC 246-100-072, or 246-100-076.

(5) Local health officers and authorized representatives shall:

(a) Confirm conditions in subsections (2) and (3) of this section were met prior to initiating partner notification or receiving referral of identity of an HIV-infected individual; and

(b) Use identifying information, provided according to this section, on HIV-infected individuals only for contacting the HIV-infected individual to provide post-test counseling or to contact sex and injection equipment-sharing partners, including spouses; and

(c) Destroy documentation of referral information established under this subsection, containing identities and identifying information on the HIV-infected individual and at-risk partners of that individual, immediately after notifying partners or within three months of the date information was received, whichever occurs first.

[Statutory Authority: RCW 70.24.022, [70.24].340 and Public Law 104-146. 97-15-099, § 246-100-072, filed 7/21/97, effective 7/21/97. Statutory Authority: RCW 43.20.050 and 70.24.130. 92-02-019 (Order 225B), § 246-100-072, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-100-072, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.24 RCW. 89-02-008 (Order 324), § 248-100-072, filed 12/27/88.]

WAC 246-100-206 Special diseases—Sexually transmitted diseases. (1) Definitions.

(a) "Behaviors presenting imminent danger to public health (BPID)" means the following activities, under conditions specified below, performed by an individual with a laboratory confirmed HIV infection:

(i) Anal or vaginal intercourse without a latex condom; or

(ii) Shared use of blood-contaminated injection equipment;

(iii) Donating or selling HIV-infected blood, blood products, or semen; and

(iv) Under the following specified conditions:

(A) The infected individual received post-test counseling as described in WAC 246-100-209 prior to repeating activities in subsection (1)(a)(i) and (ii) of this section; and

(B) The infected individual did not inform the persons, with whom activities described in subsection (1)(a)(i) and (ii) of this section occurred, of his or her infectious status.

(b) "Behaviors presenting possible risk" means:

(i) Actual actions resulting in "exposure presenting a possible risk" limited to:

(A) Anal, oral, or vaginal intercourse excluding conjugal visits; or

(B) Physical assault; or

(C) Sharing of injection equipment or sharp implements;

or

(D) Throwing or smearing of blood, semen, or vaginal fluids; or

(ii) Threatened action if:

(A) The threatening individual states he or she is infected with HIV; and

(B) The threatened behavior is listed in subsection (1)(b)(i)(A), (B), (C), and (D) of this section; and

(C) The threatened behavior could result in "exposure presenting a possible risk."

(c) "Conduct endangering public health" means:

(i) Anal, oral, or vaginal intercourse for all sexually transmitted diseases;

(ii) For HIV and Hepatitis B:

(A) Anal, oral, or vaginal intercourse; and/or

(B) Sharing of injection equipment; and/or

(C) Donating or selling blood, blood products, body tissues, or semen; and

(iii) Activities described in subsection (1)(d)(i) and (ii) of this section resulting in introduction of blood, semen, and/or vaginal fluids to:

(A) Mucous membranes;

(B) Eyes;

(C) Open cuts, wounds, lesions; or

(D) Interruption of epidermis.

(d) "Exposure presenting possible risk" means one or more of the following:

(i) Introduction of blood, semen, or vaginal fluids into:

(A) A body orifice or a mucous membrane;

(B) The eye; or

(C) An open cut, wound, lesion, or other interruption of the epidermis.

(ii) A needle puncture or penetrating wound resulting in exposure to blood, semen, and/or vaginal fluids.

(e) "Reasonably believed" or "reason to believe," in reference to a sexually transmitted disease, means a health officer's belief which:

(i) For the purpose of investigating the source and spread of disease, is based upon a credible report from an identifiable individual indicating another person is likely to have a sexually transmitted disease (STD) or to have been exposed to a STD; and

(ii) For the purpose of issuing a written order for an individual to submit to examination, counseling, or treatment is based upon:

(A) Laboratory test results confirming or suggestive of a STD; or

(B) A health care provider's direct observation of clinical signs confirming an individual has or is likely to have a STD; or

(C) Obtaining information directly from an individual infected with a STD about the identity of his or her sexual or needle-sharing contacts when:

(I) Contact with the infected individual occurred during a period when the disease may have been infectious; and

(II) The contact was sufficient to transmit the disease; and

(III) The infected individual is, in the health officer's judgment, credible and believable.

(f) "Substantial exposure" means physical contact resulting in exposure presenting possible risk, limited to:

(i) A physical assault upon the exposed person involving blood or semen;

(ii) Intentional, unauthorized, nonconsensual use of

needles or sharp implements to inject or mutilate the exposed person;

(iii) An accidental parenteral or mucous membrane or nonintact skin exposure to blood, semen, or vaginal fluids.

(2) Health care providers shall:

(a) Report each case of sexually transmitted disease as required in chapter 246-100 WAC, and

(b) Instruct each patient regarding:

(i) Communicability of the disease, and

(ii) Requirements to refrain from acts that may transmit the disease to another.

(c) Ensure completion of a prenatal serologic test for syphilis in each pregnant woman pursuant to RCW 70.24.090 including:

(i) Submission of a blood sample for syphilis to a laboratory approved to perform prenatal serologic tests for syphilis, as required in RCW 70.24.090, at the time of the first prenatal visit, and

(ii) Decide whether or not to omit the serologic test for syphilis if the test was performed elsewhere during the current pregnancy.

(3) Laboratories, health care providers, and other persons shall deny issuance of a certificate or statement implying an individual is free from sexually transmitted disease.

(4) Local health officers, health care providers, and others, in addition to requirements in chapter 246-100 WAC, shall comply with the provisions in chapter 70.24 RCW.

(5) Prevention of ophthalmia neonatorum.

(a) Health care providers diagnosing or caring for a patient with gonococcal or chlamydial ophthalmia neonatorum shall report the case to the local health officer or local health department in accordance with the provisions of this chapter.

(b) The principal health care provider attending or assisting in the birth of any infant or caring for an infant after birth, shall ensure instillation of a department-approved prophylactic ophthalmic agent into the conjunctival sacs of the infant within the time frame established by the department in policy statement of ophthalmia agents approved for the prevention of ophthalmia neonatorum in the newborn, issued June 19, 1981.

(6) State and local health officers or their authorized representatives shall:

(a) Have authority to conduct or cause to be conducted an interview and investigation of persons infected or reasonably believed to be infected with a sexually transmitted disease; and

(b) Use procedures and measures described in WAC 246-100-036(4) in conducting investigations.

(7) State and local health officers and their authorized representatives shall have authority to:

(a) Issue written orders for medical examination, testing, and/or counseling under chapter 70.24 RCW, only after:

(i) All other efforts to protect public health have failed, including reasonable efforts to obtain the voluntary cooperation of the person to be affected by the order; and

(ii) Having sufficient evidence to "reasonably believe" the individual to be affected by the order:

(A) Has a sexually transmitted disease; and

(B) Is engaging in "conduct endangering public health"; and

(iii) Investigating and confirming the existence of "conduct endangering public health" by:

(A) Interviewing sources to assess their credibility and accuracy; and

(B) Interviewing the person to be affected by the order; and

(iv) Including in a written order all information required in RCW 70.24.024.

(b) Issue written orders for treatment under RCW 70.24.022 only after laboratory test results, or direct observation of clinical signs or assessment of clinical data by a physician, confirm the individual has, or is likely to have, a sexually transmitted disease;

(c) Issue written orders to cease and desist from specified activities, under RCW 70.24.024 only after:

(i) Determining the person to be affected by the order is engaging in "conduct endangering public health"; and

(ii) Laboratory test results, or direct observation of clinical signs or assessment of clinical data by a physician, confirm the individual has, or is likely to have, a sexually transmitted disease; and

(iii) Exhausting procedures described in subsection (7)(a) of this section; and

(iv) Enlisting, if appropriate, court enforcement of the orders described in subsections (7)(a) and (b) of this section; and

(d) Seek court orders for detainment under RCW 70.24.034, only for persons infected with HIV and only after:

(i) Exhausting procedures described in subsection (7)(a), (b), and (c) of this section; and

(ii) Enlisting, if appropriate, court enforcement of orders to cease and desist; and

(iii) Having sufficient evidence to "reasonably believe" the person is engaging in "behaviors presenting an imminent danger to public health."

(8) Conditions for detainment of individuals infected with sexually transmitted disease.

(a) A local health officer may notify the state health officer if he or she determines:

(i) The criteria for "behaviors presenting imminent danger to public health (BPID)" are met by an individual; and

(ii) Such individual fails to comply with a cease and desist order affirmed or issued by a court.

(b) A local or state health officer may request the prosecuting attorney to file an action in superior court to detain an individual specified in subsection (8)(a) of this section.

(c) The requesting local or state health officer or authorized representative shall:

(i) Notify the department prior to recommending the detainment setting where the individualized counseling and education plan may be carried out consistent with subsections (8)(d), (e), and (f) of this section;

(ii) Make a recommendation to the court for placement of such individual consistent with subsections (8)(d) and (f) of this section; and

(iii) Provide to the court an individualized plan for education and counseling consistent with subsection (8)(e) of this section.

(d) State board of health requirements for detainment of individuals demonstrating BPID:

(i) Sufficient number of staff, caregivers, and/or family members to:

(A) Provide round-the-clock supervision, safety of detainee, and security; and

(B) Limit and restrict activities to prevent BPID; and

(C) Make available any medical, psychological, or nursing care when needed; and

(D) Provide access to AIDS education and counseling; and

(E) Immediately notify the local or state health officer of unauthorized absence or elopement; and

(ii) Sufficient equipment and facilities to provide:

(A) Meals and nourishment to meet nutritional needs; and

(B) A sanitary toilet and lavatory; and

(C) A bathing facility; and

(D) Bed and clean bedding appropriate to size of detainee; and

(E) A safe detention setting appropriate to chronological and developmental age of detainee; and

(F) A private sleeping room; and

(G) Prevention of sexual exploitation.

(iii) Sufficient access to services and programs directed toward cessation of BPID and providing:

(A) Linguistically, socially, culturally, and developmentally appropriate ongoing AIDS education and counseling; and

(B) Psychological and psychiatric evaluation and counseling; and

(C) Implementation of court-ordered plan for individualized counseling and education consistent with subsection (8)(e) of this section.

(iv) If required, provide access to isolation and/or restraint in accordance with restraint and seclusion rules in WAC 275-55-263 (2)(c);

(v) Maintain a safe, secure environment free from harassment, physical danger, and sexual exploitation.

(e) Washington state board of health standards for an individualized counseling and education plan for a detainee include:

(i) Consideration of detainee's personal and environmental characteristics, culture, social group, developmental age, and language;

(ii) Identification of habitual and addictive behavior and relapse pattern;

(iii) Identification of unique risk factors and possible cross-addiction leading to behavior presenting imminent danger to public health;

(iv) Identification of obstacles to behavior change and determination of specific objectives for desired behavior;

(v) Provision of information about acquisition and transmission of HIV infection;

(vi) Teaching and training of individual coping skills to prevent relapse to BPID;

(vii) Specific counseling for chemical dependency, if required;

(viii) Identification of and assistance with access to community resources, including social services and self-help groups appropriate to provide ongoing support and maintenance of behavior change; and

(ix) Designation of a person primarily responsible for counseling and/or education who:

(A) Completed pretest and post-test counselor training approved by the office on AIDS; and

(B) Received training, as approved by the office on AIDS, focused on facilitating behavior change related to preventing BPID; and

(C) Has a post-graduate degree in social work, psychology, counseling, psychosocial nursing, or other allied profession; and

(D) Completed at least one year clinical experience after post-graduate education with a primary focus on individual-behavior change; and

(E) Is a certified counselor under chapter 18.19 RCW.

(x) Designation and provision of a qualified counselor under WAC 275-19-145 when the detainee is assessed to have a drug or alcohol problem.

(f) The state board of health designates the following settings appropriate for detainment provided a setting meets requirements in subsection (8)(d)(i), (ii), (iii), (iv), and (v) of this section:

(i) Homes, care facilities, or treatment institutions operated or contracted by the department;

(ii) Private homes, as recommended by the local or state health officer;

(iii) Boarding homes licensed under chapter 18.20 RCW;

(iv) Nursing homes licensed under chapter 18.51 RCW;

(v) Facilities licensed under chapter 71.12 RCW, including:

(A) Psychiatric hospitals, per chapter 246-322 WAC;

(B) Alcoholism treatment centers if certified for substance use under chapter 275-19 WAC;

(C) Adult residential rehabilitation centers, per chapter 246-325 WAC;

(D) Private adult treatment homes, per chapter 246-325 WAC;

(E) Residential treatment facilities for psychiatrically impaired children and youth, per chapter 246-323 WAC;

(vi) A hospital licensed under chapter 70.41 RCW.

(9) Jail administrators may order pretest counseling, post-test counseling, and HIV testing of persons detained in jail according to RCW 70.24.360 only under the following conditions:

(a) The jail administrator documents and reports to the local health officer, within seven days after the incident, any incident perceived to be actual or threatened "behaviors presenting possible risk"; and

(b) The local health officer:

(i) Determines the documented behavior or behaviors meet the criteria established in the definition of "behaviors presenting a possible risk"; and

(ii) Interviews the detained individual to evaluate the factual basis for alleged actual or threatened behavior; and

(iii) Makes a fact determination, based upon the documented behavior, the interview with the detained individual, and/or independent investigation, that sufficient factual evidence exists to support the allegation of actual or threatened "behaviors presenting possible risk"; and

(iv) Arranges for testing of the individual who is the source of the behavior to occur within seven days of the request from the jail administrator; and

(v) Reviews with the detained individual who is the source of the behavior the documentation of the actual or threatened behavior to try to assure understanding of the basis for HIV testing; and

(vi) Provides written approval of the jail administrator's order prior to HIV testing in accordance with subsection (7)(a)(i) of this section.

(c) The jail administrator maintains HIV test results and identity of the tested individual as a confidential, nondisclosable record, as provided in RCW 70.24.105.

(10) When an individual experiences a substantial exposure to another individual's body fluids and requests HIV testing of that other individual, the state and local health officers have authority to order pretest counseling, HIV testing, and post-test counseling of that other individual providing:

(a) The alleged exposure occurred when the individual was employed or acting as an authorized volunteer in one of the following employment categories:

(i) Law enforcement officer;

(ii) Firefighter;

(iii) Health care provider;

(iv) Staff of health care facilities;

(v) Funeral director;

(vi) Embalmer; and

(b) The alleged substantial exposure occurred on the job; and

(c) The request to the health officer for testing and counseling of the individual was made within seven days of the occurrence of the alleged exposure; and

(d) The local health officer:

(i) Determines that the alleged exposure meets the criteria established in the definition of "substantial exposure"; and

(ii) Ensures that pretest counseling of the individual to be tested, or a legal representative, occurs; and

(iii) Arranges for testing of the individual who is the source of the exposure to occur within seven days of the request from the person exposed; and

(e) The exposed individual agrees to be tested for HIV if such testing is determined appropriate by the health officer; and

(f) Records on HIV testing ordered by a health officer are maintained only by the ordering health officer.

(11) For the purpose of RCW 49.60.172 concerning the absence of HIV infection as a bona fide occupational qualification only, "significant risk" means a job qualification which requires person-to-person contact likely to result in direct introduction of blood into the eye, an open cut or wound, or other interruption of the epidermis, when:

(a) No adequate barrier protection is practical; and

(b) Determined only on case-by-case basis consistent with RCW 49.60.180.

[Statutory Authority: RCW 70.24.022, [70.24].340 and Public Law 104-146, 97-15-099, § 246-100-206, filed 7/21/97, effective 7/21/97. Statutory Authority: RCW 43.20.050 and 70.24.130, 92-02-019 (Order 225B), § 246-100-206, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.20.050, 91-02-051 (Order 124B), recodified as § 246-100-206, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.24 RCW, 89-07-095 (Order 325), § 248-100-206, filed 3/22/89; 88-21-093 (Order 322), § 248-100-206, filed 10/19/88; 88-17-056 (Order 316), § 248-100-206, filed 8/17/88. Statutory Authority: RCW 43.20.050, 87-11-047 (Order 302), § 248-100-206, filed 5/19/87.]

WAC 246-100-207 Human immunodeficiency virus (HIV) testing—Ordering—Laboratory screening—Interpretation—Reporting. (1) Any person ordering or prescribing an HIV test for another, except for seroprevalent studies under chapter 70.24 RCW or provided under subsections (2) and (3) of this section, shall:

(a) Provide or refer for pretest counseling described under WAC 246-100-209;

(b) Obtain or ensure informed specific consent of the individual to be tested separate from other consents prior to ordering or prescribing an HIV test, unless excepted under provisions in chapter 70.24 RCW; and

(c) Provide or refer for post-test counseling described under WAC 246-100-209 if HIV test is positive for or suggestive of HIV infection.

(2) Blood banks, tissue banks, and others collecting or processing blood, sperm, tissues, or organs for transfusion/transplanting shall:

(a) Obtain or ensure informed specific consent of the individual prior to ordering or prescribing an HIV test, unless excepted under provisions in chapter 70.24 RCW;

(b) Explain that the reason for HIV testing is to prevent contamination of the blood supply, tissue, or organ bank donations; and

(c) At the time of notification regarding a positive HIV test, provide or ensure at least one individual counseling session.

(3) Persons subject to regulation under Title 48 RCW and requesting an insured, subscriber, or potential insured or subscriber to furnish the results of an HIV test for underwriting purposes, as a condition for obtaining or renewing coverage under an insurance contract, health care service contract, or health maintenance organization agreement shall:

(a) Before obtaining a specimen to perform an HIV test, provide written information to the individual tested explaining:

- (i) What an HIV test is;
- (ii) Behaviors placing a person at risk for HIV infection;
- (iii) The purpose of HIV testing in this setting is to determine eligibility for coverage;
- (iv) The potential risks of HIV testing; and
- (v) Where to obtain HIV pretest counseling.

(b) Obtain informed specific written consent for an HIV test. The written informed consent shall include:

(i) An explanation of confidential treatment of test result reports limited to persons involved in handling or determining applications for coverage or claims for the applicant or claimant; and

(ii) Requirements under subsection (3)(c) of this section.

(c) Establish procedures to inform an applicant of the following:

(i) Post-test counseling specified under WAC 246-100-209(4) is required if an HIV test is positive or indeterminate;

(ii) Post-test counseling is done at the time any positive or indeterminate HIV test result is given to the tested individual;

(iii) The applicant is required to designate a health care provider or health care agency to whom positive or indeterminate HIV test results are to be provided for interpretation and post-test counseling; and

(iv) When an individual applicant does not identify a

designated health care provider or health care agency and the applicant's HIV test results are positive or indeterminate, the insurer, health care service contractor, or health maintenance organization shall provide the test results to the local health department for interpretation and post-test counseling.

(4) Laboratories and other places where HIV testing is performed shall demonstrate complete and satisfactory participation in an HIV proficiency testing program approved by the Department Laboratory Quality Assurance Section, Mailstop K17-9, 1610 N.E. 150th, Seattle, Washington 98155.

(5) The department laboratory quality assurance section shall accept substitutions for EIA screening only as approved by the United States Food and Drug Administration (FDA) and a published list or other written FDA communication.

(6) Medical laboratories testing for the presence of HIV shall:

(a) Send an HIV test prevalence results report by telephone or in writing to the department office on AIDS (Mailstop K17-9, 1610 N.E. 150th, Seattle, Washington 98155), quarterly or more often; and

(b) Include in the report:

(i) Number of samples tested;

(ii) Number of samples repeatedly reactive by enzyme immuno assay (EIA);

(iii) Number of samples tested by western blot assay (WBA) or other confirmatory test as approved by department office on AIDS;

(iv) Number of positive test results by WBA or other confirmatory test as approved by department office on AIDS;

(v) Number of specimens tested by viral culture; and

(vi) Number of positive test results from viral cultures.

(7) Persons informing a tested individual of positive laboratory test results indicating HIV infection shall do so only when:

(a) HIV is isolated by viral culture technique; or

(b) HIV antibodies are identified by a sequence of tests which are reactive and include:

(i) A repeatedly reactive screening test such as the enzyme immunoassay (EIA); and

(ii) An additional, more specific, assay such as a positive western blot assay (WBA) or other tests as defined and described in the AIDS office manual, April, 1988, Department of Health, Office on AIDS, P.O. Box 47840, Olympia, Washington 98504-7840.

(c) Such information consists of relevant, pertinent facts communicated in such a way that it will be readily understood by the recipient.

[Statutory Authority: RCW 70.24.380. 97-04-041, § 246-100-207, filed 1/31/97, effective 3/31/97. Statutory Authority: RCW 43.20.050 and 70.24.130. 92-02-019 (Order 225B), § 246-100-207, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-100-207, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.24 RCW and RCW 70.24.130. 89-20-006 (Order 334), § 248-100-207, filed 9/22/89, effective 10/23/89. Statutory Authority: Chapter 70.24 RCW. 89-14-003 (Order 329), § 248-100-207, filed 6/22/89; 88-17-058 (Order 318), § 248-100-207, filed 8/17/88.]

WAC 246-100-209 Counseling standards—Human immunodeficiency virus (HIV) pretest counseling—HIV

post-test counseling. (1) Health care providers and other persons providing pretest counseling shall:

(a) Assess the individual's risk of acquiring and transmitting HIV by evaluating information about the individual's possible risk-behaviors;

(b) Provide at least one individual counseling session prior to HIV testing;

(c) Inform any individual planning to be tested for HIV that:

(i) If the test result is positive, the tested individual needs to notify sex and injection equipment-sharing partners that partners, including spouses:

(A) May have been exposed to and infected with HIV; and

(B) Should seek HIV pretest counseling and consider HIV testing; and

(ii) Unless HIV testing is anonymous, the principal health care provider is required to refer identities of at-risk partners to the local health officer or authorized representative if:

(A) The HIV-infected individual either refuses or is unable to notify partners of exposure, possible infection, and need for pretest counseling and HIV testing; or

(B) The HIV-infected individual neither accepts assistance nor agrees to referral to the local health officer or an authorized representative for assistance in notifying partners; and

(iii) Unless HIV testing is anonymous, the principal health care provider is required to refer the identify of the individual testing positive to the local health officer or an authorized representative if the principal health care provider made efforts, but was unable to meet face-to-face with the individual to:

(A) Notify the individual of the HIV test result; and

(B) Provide post-test counseling, as required in this section, to assure partner notification.

(2) When an individual is assessed by a counselor or health care provider as "virtually no risk of HIV infection," as defined in WAC 246-100-208 (3)(e)(v) a counselor or the health care provider shall, in addition to subsection (1)(a) of this section:

(a) Maintain a nonjudgmental environment during counseling which:

(i) Considers the individual's particular circumstances; and

(ii) Is culturally, socially, linguistically, and developmentally appropriate to the individual being counseled.

(b) Explain the nature, purpose, value, and reason for the HIV tests;

(c) Explain the possible effect of HIV testing and a positive HIV test result related to employment, insurance, housing, and other potential legal, social, and personal consequences;

(d) Develop and maintain a system of referral and make referrals that:

(i) Are accessible and confidential for those counseled;

(ii) Are acceptable to and supportive of those counseled;

(iii) Provide assistance to those counseled in maintaining risk reduction behaviors.

(e) Provide at least one individual counseling session at the time HIV test results are disclosed to individuals testing

positive; and

(f) Maintain disclosure and confidentiality requirements in WAC 246-100-016.

(3) If the individual is assessed by a health care provider to be other than "virtually no risk of HIV infection," as defined in WAC 246-100-208 (3)(e)(v), the person providing pretest counseling shall maintain requirements in subsection (1) and (2) of this section and:

(a) Focus counseling on behaviors increasing the risk of HIV acquisition and transmission;

(b) Provide personalized risk reduction education to individuals who:

(i) Are men engaging in unprotected intercourse with other men at any time since 1977;

(ii) Used intravenous substances at any time since 1977, especially those sharing injection equipment;

(iii) Engaged in sex for money or drugs at any time since 1977;

(iv) Have had sexual and/or injection equipment-sharing contacts at any time since 1977 with persons listed in subsection (3)(b)(i), (ii), and (iii) of this section;

(v) Have been exposed to or diagnosed with a sexually transmitted disease;

(vi) Are at increased risk of HIV infection by definition of United States Public Health Services, Centers for Disease Control;

(vii) Are required by RCW 70.24.095 and 70.24.340 to receive HIV counseling and testing.

(c) Inform any individual planning to be tested for HIV of the need to notify sexual and injection equipment-sharing partners, including spouses, if test results are positive;

(d) Advise individuals listed in subsection (3)(b)(i), (ii), and (iii) of this section not to donate or sell blood, blood products, semen, organs, or other body tissues; and

(e) Emphasize or reemphasize the following counseling messages:

(i) The following will eliminate or decrease the risk of HIV infection:

(A) Sexual abstinence;

(B) A mutually monogamous relationship between uninfected people; and

(C) Following safer sex guidelines.

(ii) Do not share intravenous drugs and injection equipment;

(iii) Do not engage in behaviors in which blood, vaginal fluid, or semen is exchanged;

(iv) Condoms, even if used properly, do not supply absolute protection from HIV infection;

(v) Condoms may reduce risk of HIV infection if the condom is:

(A) Latex and used with a water-based lubricant rather than an oil-based lubricant, if a lubricant is used;

(B) Used in conjunction with spermicide during vaginal or anal intercourse; and

(C) Worn from start to finish of vaginal, oral, and anal intercourse.

(vi) Dental dams may reduce risk of HIV infection if the dental dam is:

(A) Latex; and

(B) Used from start to finish of oral intercourse.

(vii) The sexual behaviors having highest risk for HIV

infection are those involving the exchange of blood or semen, especially receptive anal and vaginal intercourse;

(viii) Anal intercourse may increase the risk of condom failure and HIV infection;

(ix) Infected women should postpone pregnancy until more is known about how to prevent prenatal and perinatal transmission of HIV infection;

(x) Sexual negotiation skills can be learned to enhance risk reduction; and

(xi) Other sexually transmitted diseases, especially those causing genital ulcers, may increase the risk of acquiring or transmitting HIV infection.

(f) Make those counseled aware HIV retesting at a later date may be necessary or recommended.

(4) Persons providing post-test counseling shall:

(a) Follow requirements in subsection (1) of this section;

(b) Provide at least one individual counseling session at the time HIV test results are disclosed for individuals:

(i) Testing positive for HIV; or

(ii) Reporting practice of behaviors listed in (3)(b)(i), (ii), and (iii) of this section.

(c) If the individual being counseled tested positive for HIV infection:

(i) Provide assistance to persons in notifying partners, including spouses, and confirm those partners including spouses have been notified; and/or

(ii) Offer to refer individuals to the local health officer as necessary for assistance in notifying partners; and/or

(iii) Offer to refer partners for counseling and testing; and

(iv) Develop or adopt a system to avoid documenting the names of referred partners in the permanent record of the individual being counseled; and

(v) Offer referral for alcohol and drug and mental health counseling, including suicide prevention, if appropriate; and

(vi) Refer for tuberculosis screening.

[Statutory Authority: RCW 70.24.022, [70.24].340 and Public Law 104-146, 97-15-099, § 246-100-209, filed 7/21/97, effective 7/21/97. Statutory Authority: RCW 43.20.050 and 70.24.130, 92-02-019 (Order 225B), § 246-100-209, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.20.050, 91-02-051 (Order 124B), recodified as § 246-100-209, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.24 RCW, 89-02-008 (Order 324), § 248-100-209, filed 12/27/88; 88-17-058 (Order 318), § 248-100-209, filed 8/17/88.]

Chapter 246-136 WAC

HUMAN IMMUNODEFICIENCY VIRUS (HIV) INFECTION—OCCUPATIONAL EXPOSURE NOTIFICATION

WAC

Table with 2 columns: WAC number and description. Rows include 246-136-001 Purpose, 246-136-010 Definitions, 246-136-020 Agreements between local health jurisdictions and local jails, 246-136-030 Duties of local jail administrators, and 246-136-040 Duties of health officers.

WAC 246-136-001 Purpose. These regulations establish procedures to assure effective communication between health officials and correctional and jail health care administrators or infection control coordinators in the event a correctional or jail staff member is substantially exposed

to the bodily fluids of an offender or detainee in the course of their official duties.

[Statutory Authority: RCW 70.24.107, 97-22-027, § 246-136-001, filed 10/29/97, effective 11/29/97.]

WAC 246-136-010 Definitions. The following definitions apply in the interpretation and enforcement of chapter 246-136 WAC:

(1) "HIV" means human immunodeficiency virus.

(2) "Local health department" means the city, town, county, or district agency providing public health services to persons within the area, as provided in chapters 70.05, 70.08 and 70.46 RCW.

(3) "Local health officer" means the individual appointed under chapter 70.05 RCW as the health officer for the local health department, or appointed under chapter 70.08 RCW as the director of public health of a combined city-county health department.

(4) "Local jail administrator" means the individual appointed to operate a jail facility as defined in RCW 70.48.020.

(5) "State health officer" means the person designated by the secretary of the department of health to serve as state-wide health officer, or, in the absence of such designation, the person having primary responsibility for public health matters in the state.

[Statutory Authority: RCW 70.24.107, 97-22-027, § 246-136-010, filed 10/29/97, effective 11/29/97.]

WAC 246-136-020 Agreements between local health jurisdictions and local jails. By November 1, 1997, local health officials and local jail administrators shall establish interagency agreements to include at a minimum:

(1) The title of the official in the local health department assigned the duty for disclosing sexually transmitted disease information as required by RCW 70.24.105 (4)(b) and the title of the health care administrator or infection control coordinator in the local jail assigned the duty of receiving of such information;

(2) A statement indicating that sexually transmitted disease status information is confidential and that release of such information is governed by law;

(3) The title of the person in the local jail or local health jurisdiction assigned the duty for disclosing sexually transmitted disease information or other communicable disease information to the exposed jail staff member in accordance with RCW 70.24.105 (4)(d);

(4) The anticipated number of days or hours from the time:

(a) That a member of a jail staff has been possibly substantially exposed to the bodily fluids of a detained person to the time that report has been provided to the local health officer;

(b) That such a report has been received by the local health officer to the time that a determination of substantial exposure has been made and, if appropriate, the detained person is ordered to be tested for HIV;

(c) That mandated or other known HIV test results and other communicable disease information is disclosed only as permitted by law to the exposed jail staff person, after the detained person has been ordered to be tested for HIV; and

(d) That the results of a new HIV test done as a result of the exposure is disclosed to the exposed jail staff person, after the detained person has been ordered to be tested for HIV;

(5) The title and position of the position responsible for submitting to the department of health by December 1, 1997, a report to include:

(a) The number of negative, positive and other HIV test results disclosed to department of corrections health staff or local jail health staff as required by RCW 70.24.105 (4)(a) and (b);

(b) A listing, without jail staff or detainee identifying information, of the requests for determination of substantial exposure, the determination made and the circumstances of the exposure, and the information disclosed to the exposed jail staff person from existing records, and information disclosed to the exposed jail staff person as a new HIV or other testing.

[Statutory Authority: RCW 70.24.107. 97-22-027, § 246-136-020, filed 10/29/97, effective 11/29/97.]

WAC 246-136-030 Duties of local jail administrators. Local jail administrators shall:

(1) Develop communicable disease prevention guidelines as required by chapter 70.48 RCW that are consistent with chapter 246-100 WAC, WAC 296-62-08001 and the most recent edition of *Control of Communicable Diseases in Man*;

(2) Submit those communicable disease prevention guidelines to the local health officer for review and comment;

(3) Develop and implement policies and procedures for the distribution of communicable disease prevention guidelines to all jail staff who are at risk of occupational exposure to communicable diseases; and

(4) By November 1, 1997, submit to the department of health a summary of changes in policies and procedures as a result of chapter 345, Laws of 1997.

[Statutory Authority: RCW 70.24.107. 97-22-027, § 246-136-030, filed 10/29/97, effective 11/29/97.]

WAC 246-136-040 Duties of health officers. State and local health officers shall:

(1) Comply with the provisions of RCW 70.24.105(4);

(2) Make available the sexually transmitted disease status of a department of corrections offender who has had a mandatory test conducted pursuant to RCW 70.24.340(1), 70.24.360, or 70.24.370 to the department of corrections health care administrator or infection control coordinator identified above;

(3) Make available the sexually transmitted disease status of a person detained in a jail who has had a mandatory test conducted pursuant to RCW 70.24.340(1), 70.24.360, or 70.24.370 as per the interagency agreement in WAC 246-136-020; and

(4) Submit a copy of the interagency agreement required under WAC 246-136-020 to the Department of Health, Post Office Box 47840, Olympia, WA 98504-7840 upon execution or amendment of the agreement.

[Statutory Authority: RCW 70.24.107. 97-22-027, § 246-136-040, filed 10/29/97, effective 11/29/97.]

Chapter 246-171 WAC

TUBERCULOSIS—FINANCIAL RESPONSIBILITY

WAC

246-171-010 through 246-171-140 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 246-171-010 Definitions. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-171-010, filed 12/27/90, effective 1/31/91; Order 31, § 248-118-010, filed 8/18/69.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
- 246-171-020 Statement of financial resources. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-171-020, filed 12/27/90, effective 1/31/91; Order 31, § 248-118-020, filed 8/18/69.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
- 246-171-030 Statement of financial resources—Cooperation in obtaining information. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-171-030, filed 12/27/90, effective 1/31/91; Order 31, § 248-118-021, filed 8/18/69.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
- 246-171-040 Statement of financial resources—Emergencies. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-171-040, filed 12/27/90, effective 1/31/91; Order 31, § 248-118-022, filed 8/18/69.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
- 246-171-050 Financial ability—Determination. [Statutory Authority: RCW 70.33.020 and 70.30.072. 92-02-018 (Order 224), § 246-171-050, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-171-050, filed 12/27/90, effective 1/31/91; Order 31, § 248-118-030, filed 8/18/69.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
- 246-171-060 Financial ability—Forms. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-171-060, filed 12/27/90, effective 1/31/91; Order 31, § 248-118-040, filed 8/18/69.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
- 246-171-070 Financial ability—Review of financial ability. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-171-070, filed 12/27/90, effective 1/31/91; Order 31, § 248-118-050, filed 8/18/69.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
- 246-171-080 Financial ability—Standards generally. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-171-080, filed 12/27/90, effective 1/31/91; Order 31, § 248-118-060, filed 8/18/69.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
- 246-171-090 Financial ability—Inability to pay. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-171-090, filed 12/27/90, effective 1/31/91; Order 31, § 248-118-061, filed 8/18/69.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
- 246-171-100 Financial ability—Specific minimum standards. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-171-100, filed 12/27/90, effective 1/31/91; Order 31, § 248-118-070, filed 8/18/69.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
- 246-171-110 Payment by patient. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-171-110, filed 12/27/90, effective 1/31/91; Order 31, § 248-118-080, filed 8/18/69.] Repealed by 97-20-101, filed

- 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
- 246-171-120 Liability of estate. [Statutory Authority: RCW 70.33.020 and 70.30.072. 92-02-018 (Order 224), § 246-171-120, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-171-120, filed 12/27/90, effective 1/31/91; Order 31, § 248-118-090, filed 8/18/69.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
- 246-171-130 Statement of costs. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-171-130, filed 12/27/90, effective 1/31/91; Order 31, § 248-118-100, filed 8/18/69.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
- 246-171-140 Payment by county. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-171-140, filed 12/27/90, effective 1/31/91; Order 31, § 248-118-110, filed 8/18/69.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

WAC 246-171-010 through 246-171-140 Repealed.
See Disposition Table at beginning of this chapter.

Chapter 246-203 WAC GENERAL SANITATION

WAC

- 246-203-080 Repealed.
246-203-090 Repealed.
246-203-110 Repealed.
246-203-140 Repealed.
246-203-150 Repealed.
246-203-170 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 246-203-080 Pollution of ground water prohibited. [Statutory Authority: RCW 43.20.050. 92-02-019 (Order 225B), § 246-203-080, filed 12/23/91, effective 1/23/92; 91-02-051 (Order 124B), recodified as § 246-203-080, filed 12/27/90, effective 1/31/91; Regulation .50.080, effective 3/11/60.] Repealed by 97-20-100, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.20.050.
- 246-203-090 Stream pollution. [Statutory Authority: RCW 43.20.050. 92-02-019 (Order 225B), § 246-203-090, filed 12/23/91, effective 1/23/92; 91-02-051 (Order 124B), recodified as § 246-203-090, filed 12/27/90, effective 1/31/91; Regulation .50.090, effective 3/11/60.] Repealed by 97-20-100, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.20.050.
- 246-203-110 Kitchen and laundry water. [Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-203-110, filed 12/27/90, effective 1/31/91; Regulation .50.110, effective 3/11/60.] Repealed by 97-20-100, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.20.050.
- 246-203-140 Stagnant water. [Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-203-140, filed 12/27/90, effective 1/31/91; Regulation .50.140, effective 3/11/60.] Repealed by 97-20-100, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.20.050.
- 246-203-150 Highway sanitation. [Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-203-150, filed 12/27/90, effective 1/31/91; Regulation .50.150, effective 3/11/60.] Repealed by 97-20-100, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.20.050.

- 246-203-170 Objectionable establishments and industrial wastes. [Statutory Authority: RCW 43.20.050. 92-02-019 (Order 225B), § 246-203-170, filed 12/23/91, effective 1/23/92; 91-02-051 (Order 124B), recodified as § 246-203-170, filed 12/27/90, effective 1/31/91; Regulation .50.170, effective 3/11/60.] Repealed by 97-20-100, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.20.050.

WAC 246-203-080 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-203-090 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-203-110 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-203-140 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-203-150 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-203-170 Repealed. See Disposition Table at beginning of this chapter.

Chapter 246-220 WAC RADIATION PROTECTION—GENERAL PROVISIONS

WAC

- 246-220-130 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 246-220-130 Appendix C—The international system of units (SI). [Statutory Authority: RCW 70.98.050. 94-01-073, § 246-220-130, filed 12/9/93, effective 1/9/94. Statutory Authority: RCW 70.98.050 and 70.98.080. 91-15-112 (Order 184), § 246-220-130, filed 7/24/91, effective 8/24/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-220-130, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.98.050. 81-01-011 (Order 1570), § 402-12-250, filed 12/8/80.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

WAC 246-220-130 Repealed. See Disposition Table at beginning of this chapter.

Chapter 246-224 WAC RADIATION PROTECTION—MACHINE ASSEMBLY AND REGISTRATION

WAC

- 246-224-040 Repealed.
246-224-080 Repealed.

DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

- 246-224-040 Expiration of registration. [Statutory Authority: RCW 70.98.050. 94-01-073, § 246-224-040, filed 12/9/93, effective 1/9/94. Statutory Authority: RCW 70.98.050 and 70.98.080. 91-15-083 (Order 183), § 246-224-040, filed 7/23/91, effective 8/23/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-224-040, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.98.080. 83-19-050 (Order 2026), § 402-16-234, filed 9/16/83. Statutory Authority: RCW 70.98.050. 81-01-011 (Order 1570), § 402-16-234, filed 12/8/80.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
- 246-224-080 Approval not implied. [Statutory Authority: RCW 70.98.050 and 70.98.080. 91-15-083 (Order 183), § 246-224-080, filed 7/23/91, effective 8/23/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-224-080, filed 12/27/90, effective 1/31/91; Order 1084, § 402-16-260, filed 1/14/76. Formerly WAC 402-16-070.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

WAC 246-224-040 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-224-080 Repealed. See Disposition Table at beginning of this chapter.

Chapter 246-225 WAC
RADIATION PROTECTION—X-RAYS IN THE
HEALING ARTS

WAC

- 246-225-99910 Repealed.

DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

- 246-225-99910 Appendix I—Good practices. [Statutory Authority: RCW 70.98.050. 94-01-073, § 246-225-99910, filed 12/9/93, effective 1/9/94. Statutory Authority: RCW 70.98.050 and 70.98.080. 91-15-083 (Order 183), § 246-225-99910, filed 7/23/91, effective 8/23/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-225-99910, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.98.080. 83-19-050 (Order 2026), § 402-28-99001, filed 9/16/83; Order 1084, Appendix D (codified as WAC 402-28-99001), filed 1/14/76.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

WAC 246-225-99910 Repealed. See Disposition Table at beginning of this chapter.

Chapter 246-227 WAC
RADIATION PROTECTION—INDUSTRIAL
X-RAY

WAC

- 246-227-010 Repealed.

DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

- 246-227-010 Scope. [Statutory Authority: RCW 70.98.050. 94-01-073, § 246-227-010, filed 12/9/93, effective 1/9/94.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

WAC 246-227-010 Repealed. See Disposition Table at beginning of this chapter.

Chapter 246-229 WAC

RADIATION PROTECTION—PARTICLE
ACCELERATORS

WAC

- 246-229-010 Repealed.
246-229-040 Repealed.

DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

- 246-229-010 Registration requirements. [Statutory Authority: RCW 70.98.050 and 70.98.080. 91-15-083 (Order 183), § 246-229-010, filed 7/23/91, effective 8/23/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-229-010, filed 12/27/90, effective 1/31/91; Order 1084, § 402-44-020, filed 1/14/76.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
- 246-229-040 General provisions. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-229-040, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.98.050. 81-01-011 (Order 1570), § 402-44-050, filed 12/8/80; Order 1084, § 402-44-050, filed 1/14/76.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

WAC 246-229-010 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-229-040 Repealed. See Disposition Table at beginning of this chapter.

Chapter 246-232 WAC

RADIOACTIVE MATERIAL—LICENSING
APPLICABILITY

WAC

- 246-232-060 Termination of licenses and decommissioning of sites and separate buildings or outdoor areas.

WAC 246-232-060 Termination of licenses and decommissioning of sites and separate buildings or outdoor areas. (1) Each specific licensee shall immediately notify the department in writing when the licensee decides to permanently discontinue all activities involving materials authorized under the license and request termination of the license. This notification and request for termination of the license must include the reports and information specified in subsection (3) (c) and (d) of this section. The licensee is subject to the provisions of subsections (3) and (4) of this section, as applicable.

(2) No less than thirty days before the expiration date specified in a specific license, the licensee shall either:

(a) Submit an application for license renewal under WAC 246-235-050; or

(b) Notify the department in writing if the licensee decides not to renew the license.

(3) If a licensee does not submit an application for license renewal under WAC 246-235-050, the licensee shall on or before the expiration date specified in the license:

(a) Terminate use of radioactive material;

(b) Properly dispose of radioactive material;

(c) Submit a completed departmental form "Certificate of disposition of radioactive material" or equivalent; and

(d) Submit a radiation survey report to confirm the absence of radioactive materials or establish the levels of radioactive contamination, unless the department determines a radiation survey report is not necessary.

(i) If no radioactive contamination attributable to activities conducted under the license is detected, the licensee shall submit a certification that no detectable radioactive contamination was found. If the information submitted under this paragraph and subsection (3) (c) and (d) of this section is adequate, the department will notify the licensee in writing that the license is terminated.

(ii) If detectable levels of radioactive contamination attributable to activities conducted under the license are found, the license continues in effect beyond the expiration date, if necessary, with respect to possession of residual radioactive material present as contamination until the department notifies the licensee in writing that the license is terminated. During this time, the licensee is subject to the provisions of subsection (4) of this section. In addition to the information submitted under subsection (3)(c) and (d) of this section, the licensee shall submit a plan for decontamination, if necessary.

(4) Each licensee who possesses residual radioactive material under subsection (3)(d)(ii) of this section, following the expiration of the facility and/or equipment date specified in the license, shall:

(a) Be limited to actions, involving radioactive material related to decontamination and preparation for release for unrestricted use; and

(b) Continue to control entry to restricted areas until they are suitable for release for unrestricted use and the department notifies the licensee in writing that the license is terminated. The guidance contained in WAC 246-232-140, Schedule D, shall be used in making this determination.

(5) Each general licensee licensed under the provisions of WAC 246-233-020(8), shall immediately notify the department in writing when the licensee decides to discontinue all activities involving radioactive materials authorized under the general license. Such notification shall include a description of how the generally licensed material was disposed and the results of facility surveys, if applicable, to confirm the absence of radioactive materials.

(6) Within sixty days of the occurrence of any of the following, each licensee shall provide notification to the department in writing of such occurrence, and either begin decommissioning its site, or any separate building or outdoor area that contains residual radioactivity so that the building or outdoor area is suitable for release in accordance with department requirements, or submit within twelve months of notification a decommissioning plan, if required by subsection

(10)(a) of this section, and begin decommissioning upon approval of that plan if:

(a) The license has expired or has been revoked by the department; or

(b) The licensee has decided to permanently cease principal activities, as defined in this section, at the entire site or in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with department requirements; or

(c) No principal activities under the license have been conducted for a period of twenty-four months; or

(d) No principal activities have been conducted for a period of twenty-four months in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with department requirements.

(7) As used in this section, principal activities means activities authorized by the license which are essential to achieving the purpose(s) for which the license was issued or amended. Storage during which no licensed material is accessed for use or disposal and activities incidental to decontamination or decommissioning are not principal activities.

(8) Coincident with the notification required by subsection (6) of this section, the licensee shall maintain in effect all decommissioning financial assurances established by the licensee pursuant to WAC 246-235-075 or as required by this section. The amount of the financial assurance must be increased, or may be decreased, as appropriate, to cover the detailed cost estimate for decommissioning established pursuant to subsection (10)(d)(v) of this section. Following approval of the decommissioning plan, a licensee may reduce the amount of the financial assurance as decommissioning proceeds and radiological contamination is reduced at the site with the approval of the department.

(9) The department may grant a request to extend the time periods established in subsection (6) of this section if the department determines that this relief is not detrimental to the public health and safety and is otherwise in the public interest. The request must be submitted no later than thirty days before notification pursuant to subsection (6) of this section. The schedule for decommissioning set forth in subsection (6) of this section may not commence until the department has made a determination on the request.

(10)(a) A decommissioning plan must be submitted if required by license condition or if the procedures and activities necessary to carry out decommissioning of the site or separate building or outdoor area have not been previously approved by the department and these procedures could increase potential health and safety impacts to workers or to the public, such as in any of the following cases:

(i) Procedures would involve techniques not applied routinely during cleanup or maintenance operations;

(ii) Workers would be entering areas not normally occupied where surface contamination and radiation levels are significantly higher than routinely encountered during operation;

(iii) Procedures could result in significantly greater airborne concentrations of radioactive materials than are present during operation; or

(iv) Procedures could result in significantly greater releases of radioactive material to the environment than those associated with operation.

(b) The department may approve an alternate schedule for submittal of a decommissioning plan required pursuant to subsection (6) of this section if the department determines that the alternative schedule is necessary to the effective conduct of decommissioning operations and presents no undue risk from radiation to the public health and safety and is otherwise in the public interest.

(c) Procedures such as those listed in (a) of this subsection with potential health and safety impacts may not be carried out prior to approval of the decommissioning plan.

(d) The proposed decommissioning plan for the site or separate building or outdoor area must include:

(i) A description of the conditions of the site or separate building or outdoor area sufficient to evaluate the acceptability of the plan;

(ii) A description of planned decommissioning activities;

(iii) A description of methods used to ensure protection of workers and the environment against radiation hazards during decommissioning;

(iv) A description of the planned final radiation survey;

(v) An updated detailed cost estimate for decommissioning, comparison of that estimate with present funds set aside for decommissioning, and a plan for assuring the availability of adequate funds for completion of decommissioning;

(vi) A description of the physical security plan and material control and accounting plan provisions in place during decommissioning;

(vii) For decommissioning plans calling for completion of decommissioning later than twenty-four months after plan approval, the plan shall include a justification for the delay based on the criteria in subsection (12) of this section.

(e) The proposed decommissioning plan will be approved by the department if the information therein demonstrates that the decommissioning will be completed as soon as practicable and that the health and safety of workers and the public will be adequately protected.

(11)(a) Except as provided in subsection (12) of this section, licensees shall complete decommissioning of the site or separate building or outdoor area as soon as practicable but no later than twenty-four months following the initiation of decommissioning.

(b) Except as provided in subsection (12) of this section, when decommissioning involves the entire site, the licensee shall request license termination as soon as practicable but no later than twenty-four months following the initiation of decommissioning.

(12) The department may approve a request for an alternative schedule for completion of decommissioning of the site or separate building or outdoor area, and license termination if appropriate, if the department determines that the alternative is warranted by consideration of the following:

(a) Whether it is technically feasible to complete decommissioning within the allotted twenty-four-month period;

(b) Whether sufficient waste disposal capacity is available to allow completion of decommissioning within the allotted twenty-four-month period;

(c) Whether a significant volume reduction in wastes requiring disposal will be achieved by allowing short-lived radionuclides to decay;

(d) Whether a significant reduction in radiation exposure to workers can be achieved by allowing short-lived radionuclides to decay; and

(e) Other site-specific factors which the department may consider appropriate on a case-by-case basis, such as the regulatory requirements of other government agencies, lawsuits, ground water treatment activities, monitored natural ground water restoration, actions that could result in more environmental harm than deferred cleanup, and other factors beyond the control of the licensee.

(13) As the final step in decommissioning, the licensee shall:

(a) Certify the disposition of all licensed material, including accumulated wastes, by submitting a completed certificate of disposition of radioactive material or equivalent information; and

(b) Conduct a radiation survey of the premises where the licensed activities were carried out and submit a report of the results of this survey unless the licensee demonstrates that the premises are suitable for release in some other manner. The licensee shall, as appropriate:

(i) Report levels of gamma radiation in units of millisieverts (microrentgen) per hour at one meter from surfaces, and report levels of radioactivity, including alpha and beta, in units of megabecquerels (disintegrations per minute or microcuries) per one hundred square centimeters—removable and fixed—for surfaces, megabecquerels (microcuries) per milliliter for water, and becquerels (picocuries) per gram for solids such as soils or concrete; and

(ii) Specify the survey instrument(s) used and certify that each instrument is properly calibrated and tested.

(14) Specific licenses, including expired licenses, will be terminated by written notice to the licensee when the department determines that:

(a) Radioactive material has been properly disposed;

(b) Reasonable effort has been made to eliminate residual radioactive contamination, if present; and

(c)(i) A radiation survey has been performed which demonstrates that the premises are suitable for release in accordance with department requirements; or

(ii) Other information submitted by the licensee is sufficient to demonstrate that the premises are suitable for release in accordance with department requirements.

(15) Specific licenses for uranium and thorium milling are exempt from subsections (6)(d), (9) and (10) of this section with respect to reclamation of tailings impoundments and/or waste disposal areas.

[Statutory Authority: RCW 70.98.050 and 70.98.080. 97-08-095, § 246-232-060, filed 4/2/97, effective 5/3/97; 91-15-112 (Order 184), § 246-232-060, filed 7/24/91, effective 8/24/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-232-060, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.98.080. 83-19-050 (Order 2026), § 402-19-330, filed 9/16/83.]

Chapter 246-235 WAC
RADIOACTIVE MATERIALS—SPECIFIC
LICENSES

WAC

246-235-075 Financial assurance and recordkeeping for decommissioning.

WAC 246-235-075 Financial assurance and recordkeeping for decommissioning. (1) Each applicant for one of the following licenses shall submit a decommissioning funding plan as described in this section:

(a) A specific license authorizing receipt of radioactive waste for the purpose of volume reduction, repackaging or interim storage.

(b) Receipt of contaminated articles, scrap material, equipment, or clothing to be decontaminated at the licensee's facility.

(c) A specific license authorizing the possession and use of radioactive material of half-life greater than one hundred twenty days and in quantities for unsealed material exceeding 10^3 times and for sealed forms exceeding 10^{10} times the applicable quantities set forth in WAC 246-221-300 Appendix B (for a combination of isotopes the unity rule applies. A decommissioning funding plan will be required if R is greater than 1, where R is defined as the sum of the ratios of the quantity for sealed and unsealed forms of each isotope compared to the applicable value derived from WAC 246-221-300).

(d) A specific license authorizing possession and use of source material in readily dispersible form and in quantities greater than 10 millicuries.

(2) Each decommissioning funding plan shall contain:

(a) A cost estimate for decommissioning facilities impacted by the activities authorized in the specific license.

(b) A description of the method of assuring funds for decommissioning.

(c) A schedule for adjusting cost estimates and associated funding levels periodically over the life of the facility or facilities.

(d) A description of methods and general procedures for performing facility decontamination, maintaining security, and performing a final radiation survey.

(e) A commitment to clean up accidental spills promptly and to begin decommissioning of the facility or facilities within twelve months of ceasing operation involving radioactive material.

(3) Each cost estimate for decommissioning shall include:

(a) A description of the facility and areas within the facility likely to require decommissioning as a result of routine operation.

(b) Anticipated labor, equipment and material costs.

(c) Anticipated waste volume.

(d) Anticipated packaging, transportation and waste disposal costs.

(e) An assessment of costs associated with an accident involving licensed material.

(4) Financial assurance for decommissioning shall be provided by one or more of the following methods:

(a) Prepayment. Prepayment is the deposit of sufficient funds to pay decommissioning costs. Funds shall be deposited prior to the start of operation into an account segregated from licensee assets and outside the licensee's administrative control. Prepayment may be in the form of a trust, escrow account, government fund, certificate of deposit, or deposit of government securities.

(b) A surety method, insurance, or other guarantee method. These methods guarantee that decommissioning costs will be paid should the licensee default. A surety method may be in the form of a surety bond, letter of credit, or line of credit. Any surety method or insurance used to provide financial assurance for decommissioning must contain the following conditions:

(i) The surety method or insurance shall be open-ended or, if written for a specified term, such as five years, shall be renewed automatically unless ninety days or more prior to the renewal date, the issuer notifies the department, the beneficiary, and the licensee of its intention not to renew. The surety method or insurance shall also provide that the full face amount be paid to the beneficiary automatically prior to the expiration without proof of forfeiture if the licensee fails to provide a replacement acceptable to the department within thirty days after receipt of notification of cancellation.

(ii) The surety method or insurance shall be payable to a trust established for decommissioning costs. The trustee and trust shall be acceptable to the department. Acceptable trustees include an appropriate state or federal government agency or an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

(iii) The surety method or insurance must remain in effect until the department has terminated the license.

(c) An external sinking fund in which deposits are made at least annually, coupled with a surety method or insurance, the value of which may decrease by the amount being accumulated in the sinking fund. An external sinking fund is a fund established and maintained by setting aside funds periodically in an account segregated from licensee assets and outside the licensee's administrative control. The total amount of funds in the external sinking fund shall be sufficient to pay decommissioning costs at the time termination of operation is expected. An external sinking fund may be in the form of a trust, escrow account, government fund, certificate of deposit, or deposit of government securities. The surety or insurance provisions shall be as stated in subsection (4)(b) of this section.

(d) In the case of state or local government licensees, a statement of intent containing a cost estimate for decommissioning and indicating that funds for decommissioning will be obtained when necessary.

(e) Other methods of financial assurance as approved by the department. The department may approve other financial mechanisms submitted by the applicant or licensee provided the alternate method meets, at a minimum, the requirements of 10 C.F.R. 30.35 and associated U.S. Nuclear Regulatory Commission guidance.

(5)(a) The department shall review each decommissioning funding plan prior to license issuance and prior to license renewal.

(b) The applicant or licensee shall incorporate department comments into its cost estimate and shall revise its financial surety accordingly.

(c) Applicants shall obtain the appropriate financial assurance as approved by the department prior to receipt of licensed material. The department may issue a new license if the applicant agrees to comply with the decommissioning funding plan as approved. If the applicant defers execution of the financial instrument until after the license has been issued, a signed original of the financial instrument obtained to satisfy the requirements of this section shall be submitted to the department before receipt of licensed material.

(d) Holders of licenses issued on or before the effective date of this rule shall submit a decommissioning funding plan to the department by April 1, 1993. Licensees shall implement the financial assurance requirements within thirty days of receiving department approval of the decommissioning funding plan. Licensees shall submit copies of the financial surety within thirty days of securing the surety and annually thereafter.

(6) Each person licensed under this chapter shall keep records of information important to the safe and effective decommissioning of the facility in an identified location until the license is terminated by the department. If records of relevant information are kept for other purposes, reference to these records and their locations may be used. Information the department considers important to decommissioning consists of:

(a) Records of spills or other unusual occurrences involving the spread of contamination in and around the facility, equipment, or site. These records may be limited to instances when contamination remains after any cleanup procedures or when there is reasonable likelihood that contaminants may have spread to inaccessible areas as in the case of possible seepage into porous materials such as concrete. These records shall include any known information on identification of involved nuclides, quantities, forms, and concentrations.

(b) As-built drawings and modifications of structures and equipment in restricted areas where radioactive materials are used and/or stored, and of locations of possible inaccessible contamination such as buried pipes which may be subject to contamination. If required drawings are referenced, each relevant document need not be indexed individually. If drawings are not available, the licensee shall substitute appropriate records of available information concerning these areas and locations.

(c) Except for areas containing only sealed sources (provided the sources have not leaked or no contamination remains after any leak) or depleted uranium used only for shielding or as penetrators in unused munitions, or radioactive materials having only half-lives of less than sixty-five days, a list contained in a single document and updated every two years, of the following:

(i) All areas designated and formerly designated as restricted areas as defined under WAC 246-220-010;

(ii) All areas outside of restricted areas that require documentation under (a) of this subsection;

(iii) All areas outside of restricted areas where current and previous wastes have been buried as documented under WAC 246-221-230 (8)(a); and

(iv) All areas outside of restricted areas which contain material such that, if the license expired, the licensee would be required to either decontaminate the area to unrestricted release levels or apply for approval for disposal under WAC 246-221-180. Records of the cost estimate performed for the decommissioning funding plan or of the amount certified for decommissioning, and records of the funding method used for assuring funds if either a funding plan or certification is used.

[Statutory Authority: RCW 70.98.050 and 70.98.080. 97-08-095, § 246-235-075, filed 4/2/97, effective 5/3/97; 92-06-008 (Order 245), § 246-235-075, filed 2/21/92, effective 3/23/92.]

Chapter 246-252 WAC

RADIATION PROTECTION—URANIUM AND/OR THORIUM MILLING

WAC

246-252-010

Definitions.

246-252-030

Criteria related to disposition of uranium mill tailings or wastes.

WAC 246-252-010 Definitions. The following definitions apply to the specified terms as used in this chapter.

(1) "Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of groundwater to wells or springs. Any saturated zone created by uranium or thorium recovery operations would not be considered an aquifer unless the zone is, or potentially is (a) hydraulically interconnected to a natural aquifer, (b) capable of discharge to surface water, or (c) reasonably accessible because of migration beyond the vertical projection of the boundary of the land transferred to long-term government ownership and care in accordance with WAC 246-252-030(11).

(2) "As expeditiously as practicable considering technological feasibility," for the purposes of Criterion 6A, means as quickly as possible considering: The physical characteristics of the tailings and the site; the limits of available technology; the need for consistency with mandatory requirements of other regulatory programs; and factors beyond the control of the licensee. The phrase permits consideration of the cost of compliance only to the extent specifically provided for by use of the term "available technology."

(3) "Available technology" means technologies and methods for emplacing a final radon barrier on uranium mill tailings piles or impoundments. This term shall not be construed to include extraordinary measures or techniques that would impose costs that are grossly excessive as measured by practice within the industry (or one that is reasonably analogous), (such as, by way of illustration only, unreasonable overtime, staffing, or transportation requirements, etc., considering normal practice in the industry; laser fusion of soils, etc.), provided there is reasonable progress toward emplacement of the final radon barrier. To determine grossly excessive costs, the relevant baseline against which cost shall be compared is the cost estimate for tailings impoundment closure contained in the licensee's approved reclamation plan, but costs beyond these estimates shall not automatically be considered grossly excessive.

(4) "Closure" means the activities following operations to decontaminate and decommission the buildings and site used to produce by-product materials and reclaim the tailings and/or waste disposal area.

(5) "Closure plan" means the department approved plan to accomplish closure.

(6) "Compliance period" begins when the department sets secondary groundwater protection standards and ends when the owner or operator's license is terminated and the site is transferred to the state or federal agency for long-term care.

(7) "Dike" means an embankment or ridge of either natural or man-made materials used to prevent the movement of liquids, sludges, solids, or other materials.

(8) "Disposal area" means the area containing by-product materials to which the requirements of Criterion 6 apply.

(9) "Existing portion" means that land surface area of an existing surface impoundment on which significant quantities of uranium or thorium by-product materials had been placed prior to September 30, 1983.

(10) "Factors beyond the control of the licensee" means factors proximately causing delay in meeting the schedule in the applicable reclamation plan for the timely emplacement of the final radon barrier notwithstanding the good faith efforts of the licensee to complete the barrier in compliance with paragraph (a) of Criterion 6A. These factors may include, but are not limited to:

(a) Physical conditions at the site;

(b) Inclement weather or climatic conditions;

(c) An act of God;

(d) An act of war;

(e) A judicial or administrative order or decision, or change to the statutory, regulatory, or other legal requirements applicable to the licensee's facility that would preclude or delay the performance of activities required for compliance;

(f) Labor disturbances;

(g) Any modifications, cessation or delay ordered by state, federal, or local agencies;

(h) Delays beyond the time reasonably required in obtaining necessary government permits, licenses, approvals, or consent for activities described in the reclamation plan proposed by the licensee that result from agency failure to take final action after the licensee has made a good faith, timely effort to submit legally sufficient applications, responses to requests (including relevant data requested by the agencies), or other information, including approval of the reclamation plan; and

(i) An act or omission of any third party over whom the licensee has no control.

(11) "Final radon barrier" means the earthen cover (or approved alternative cover) over tailings or waste constructed to comply with Criterion 6 of WAC 246-252-030 (excluding erosion protection features).

(12) "Groundwater" means water below the land surface in a zone of saturation. For the purposes of this chapter, groundwater is the water contained within an aquifer as defined above.

(13) "Leachate" means any liquid, including any suspended or dissolved components in the liquid, that has percolated through or drained from the by-product material.

(14) "Licensed site" means the area contained within the boundary of a location under the control of persons generating or storing by-product materials under a department license.

(15) "Liner" means a continuous layer of natural or man-made materials, beneath or on the sides of a surface impoundment which restricts the downward or lateral escape of by-product material, hazardous constituents, or leachate.

(16) "Milestone" means an action or event that is required to occur by an enforceable date.

(17) "Operation" means that a uranium or thorium mill tailings pile or impoundment is being used for the continued placement of by-product material or is in standby status for such placement. A pile or impoundment is in operation from the day that by-product material is first placed in the pile or impoundment until the day final closure begins.

(18) "Point of compliance" is the site specific location in the uppermost aquifer where the groundwater protection standard must be met.

(19) "Reclamation plan," for the purposes of Criterion 6A, means the plan detailing activities to accomplish reclamation of the tailings or waste disposal area in accordance with the technical criteria of WAC 246-252-030. The reclamation plan must include a schedule for reclamation milestones that are key to the completion of the final radon barrier including as appropriate, but not limited to, wind blown tailings retrieval and placement on the pile, interim stabilization (including dewatering or the removal of free-standing liquids and recontouring), and final radon barrier construction. (Reclamation of tailings must also be addressed in the closure plan; the detailed reclamation plan may be incorporated into the closure plan.)

(20) "Surface impoundment" means a natural topographic depression, man-made excavation, or diked area, which is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and which is not an injection well.

(21) "Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

[Statutory Authority: RCW 70.98.050. 97-13-055, § 246-252-010, filed 6/16/97, effective 7/17/97. Statutory Authority: RCW 70.98.050 and 70.98.080. 91-16-109 (Order 187), § 246-252-010, filed 8/7/91, effective 9/7/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-252-010, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.98.080. 87-01-031 (Order 2450), § 402-52-050, filed 12/11/86.]

WAC 246-252-030 Criteria related to disposition of uranium mill tailings or wastes. As used in this section, the term "as low as reasonably achievable" has the same meaning as in WAC 246-220-007. The term by-product material means the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content.

As required by WAC 246-235-110(6), each applicant for a license to possess and use source material in conjunction with uranium or thorium milling, or by-product material at sites formerly associated with such milling, is required to include in a license application proposed specifications relating to the milling operation and the disposition of tailings or waste resulting from such milling activities. This

section establishes criteria relating to the siting, operation, decontamination, decommissioning, and reclamation of mills and tailings or waste systems and sites at which such mills and systems are located and site and by-product material ownership. Applications must clearly demonstrate how these criteria have been addressed. The specifications shall be developed considering the expected full capacity of tailings or waste systems and the lifetime of mill operations. Where later expansions of systems or operations may be likely, the amenability of the disposal system to accommodate increased capacities without degradation in long-term stability and other performance factors shall be evaluated.

Licensees or applicants may propose alternatives to the specific requirements in these criteria. The alternative proposals may take into account local or regional conditions, including geology, topography, hydrology, and meteorology. The department may find that the proposed alternatives meet the department's requirements if the alternatives will achieve a level of stabilization and containment of the sites concerned, and a level of protection for public health, safety, and the environment from radiological and nonradiological hazards associated with the sites, which is equivalent to, to the extent practicable, or more stringent than the level which would be achieved by the requirements of the standards promulgated by the United States Environmental Protection Agency in 40 CFR 192, Subparts D and E.

(1) Criterion 1 - In selecting among alternative tailings disposal sites or judging the adequacy of existing tailings sites, the following site features which would contribute to meeting the broad objective of permanent isolation of the tailings and associated contaminants from man and the environment for one thousand years to the extent reasonably achievable, and in any case, for at least two hundred years without ongoing active maintenance shall be considered:

- (a) Remoteness from populated areas;
- (b) Hydrogeologic and other environmental conditions conducive to continued immobilization and isolation of contaminants from groundwater sources; and
- (c) Potential for minimizing erosion, disturbance, and dispersion by natural forces over the long term.

The site selection process must be an optimization to the maximum extent reasonably achievable in terms of these features.

In the selection of disposal sites, primary emphasis shall be given to isolation of tailings or wastes, a matter having long-term impacts, as opposed to consideration only of short-term convenience or benefits, such as minimization of transportation or land acquisition costs. While isolation of tailings will be a function of both site characteristics and engineering design, overriding consideration shall be given to siting features given the long-term nature of the tailings hazards.

Tailings shall be disposed in a manner such that no active maintenance is required to preserve the condition of the site.

(2) Criterion 2 - To avoid proliferation of small waste disposal sites, by-product material from in-situ extraction operations, such as residues from solution evaporation or contaminated control processes, and wastes from small remote above ground extraction operations shall be disposed at existing large mill tailings disposal sites; unless, consider-

ing the nature of the wastes, such as their volume and specific activity and the costs and environmental impacts of transporting the wastes to a large disposal site, such offsite disposal is demonstrated to be impracticable or the advantage of onsite burial clearly outweighs the benefits of reducing the perpetual surveillance obligations.

(3) Criterion 3 - The "prime option" for disposal of tailings is placement below grade, either in mines or specially excavated pits (that is, where the need for any specially constructed retention structure is eliminated).

The evaluation of alternative sites and disposal methods performed by mill operators in support of their proposed tailings disposal program (provided in applicants' environmental reports) shall reflect serious consideration of this disposal mode. In some instances, below grade disposal may not be the most environmentally sound approach, such as might be the case if a groundwater formation is relatively close to the surface or not very well isolated by overlying soils and rock. Also, geologic and topographic conditions might make full, below grade burial impracticable; for example, near-surface bedrock could create prominent excavation costs while more suitable alternate sites may be available. Where full below grade burial is not practicable, the size of the retention structures, and the size and steepness of slopes of associated exposed embankments, shall be minimized by excavation to the maximum extent reasonably achievable or appropriate, given the geologic and hydrogeologic conditions at a site. In these cases, it must be demonstrated that an above-grade disposal program will provide reasonably equivalent isolation of the tailings from natural erosional forces.

(4) Criterion 4 - The following site and design criteria shall be adhered to whether tailings or wastes are disposed of above or below grade:

- (a) Upstream rainfall catchment areas must be minimized to decrease erosion potential and the size of the probable maximum flood which could erode or wash out sections of the tailings disposal area.
- (b) Topographic features shall provide good wind protection.

(c) Embankment and cover slopes shall be relatively flat after final stabilization to minimize erosion potential and to provide conservative factors of safety assuring long-term stability. The broad objective should be to contour final slopes to grades which are as close as possible to those which would be provided if tailings were disposed of below grade; this could, for example, lead to slopes of about ten horizontal to one vertical (10h:1v) or less steep. In general, slopes should not be steeper than about 5h:1v. Where steeper slopes are proposed, reasons why a slope less steep than 5h:1v would be impracticable should be provided, and compensating factors and conditions which make such slopes acceptable should be identified.

(d) A fully self-sustaining vegetative cover shall be established or rock cover employed to reduce wind and water erosion to negligible levels.

Where a full vegetative cover is not likely to be self-sustaining due to climatic conditions, such as in semi-arid and arid regions, rock cover shall be employed on slopes of the impoundment system. The NRC will consider relaxing

this requirement for extremely gentle slopes such as those which may exist on the top of the pile.

The following factors shall be considered in establishing the final rock cover design to avoid displacement of rock particles by human and animal traffic or by natural processes, and to preclude undercutting and piping:

(i) Shape, size, composition, gradation of rock particles (excepting bedding material, average particle size shall be at least cobble size or greater);

(ii) Rock cover thickness and zoning of particles by size; and

(iii) Steepness of underlying slopes.

(e) Individual rock fragments shall be dense, sound, and resistant to abrasion, and free from defects that would tend to unduly increase their destruction by water and frost actions. Weak, friable, or laminated aggregate shall not be used. Shale, rock laminated with shale, and cherts shall not be used.

Rock covering of slopes may not be required where top covers are on the order of ten meters or greater; impoundment slopes are on the order of 10h:1v or less; bulk cover materials have inherently favorable erosion resistance characteristics; and there is negligible drainage catchment area upstream of the pile, and there is good wind protection as described in (a) and (b) of this subsection.

(f) Impoundment surfaces shall be contoured to avoid areas of concentrated surface runoff or abrupt or sharp changes in slope gradient. In addition to rock cover on slopes, areas toward which surface runoff might be directed shall be well protected with substantial rock cover (riprap). In addition to providing for stability of the impoundment systems itself, the overall stability, erosion potential, and geomorphology of surrounding terrain shall be evaluated to assure that there are no processes, such as gully erosion, which would lead to impoundment instability.

(g) The impoundment shall not be located near a capable fault that could cause a maximum credible earthquake larger than that which the impoundment could reasonably be expected to withstand. As used in this criterion, the term "capable fault" has the same meaning as defined in Section III (g) of Appendix A of 10 CFR Part 100. The term "maximum credible earthquake" means that earthquake which would cause the maximum vibratory ground motion based upon an evaluation of earthquake potential considering the regional and local geology and seismology and specific characteristics of local subsurface material.

(h) The impoundment, where feasible, should be designed to incorporate features which will promote deposition of suspended particles. For example, design features which promote deposition of sediment suspended in any runoff which flows into the impoundment area might be utilized; the object of such a design feature would be to enhance the thickness of cover over time.

(5) Criterion 5 - Criteria 5(a) through 5(g) and new Criterion 13 incorporate the basic groundwater protection standards imposed by the United States Environmental Protection Agency in 40 CFR Part 192, Subparts D and E (48 FR 45926; October 7, 1983) which apply during operations and prior to the end of closure. Groundwater monitoring to comply with these standards is required by Criterion 7.

(a) The primary groundwater protection standard is a design standard for surface impoundments used to manage uranium and thorium by-product material. Surface impoundments (except for an existing portion) must have a liner that is designed, constructed, and installed to prevent any migration of wastes out of the impoundment to the adjacent subsurface soil, groundwater, or surface water at any time during the active life (including the closure period) of the impoundment. The liner may be constructed of materials that may allow wastes to migrate into the liner (but not into the adjacent subsurface soil, groundwater, or surface water) during the active life of the facility, provided that impoundment closure includes removal or decontamination of all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leachate. For impoundments that will be closed with the liner material left in place, the liner must be constructed of materials that can prevent wastes from migrating into the liner during the active life of the facility.

(b) The liner required by (a) of this subsection must be:

(i) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;

(ii) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and

(iii) Installed to cover all surrounding earth likely to be in contact with the wastes or leachate.

(c) The applicant or licensee will be exempted from the requirements of (a) of this subsection if the department finds, based on a demonstration by the applicant or licensee, that alternate design and operating practices, including the closure plan, together with site characteristics will prevent the migration of any hazardous constituents into groundwater or surface water at any future time. In deciding whether to grant an exemption, the department will consider:

(i) The nature and quantity of the wastes;

(ii) The proposed alternate design and operation;

(iii) The hydrogeologic setting of the facility, including the attenuative capacity and thickness of the liners and soils present between the impoundment and groundwater or surface water; and

(iv) All other factors which would influence the quality and mobility of the leachate produced and the potential for it to migrate to groundwater or surface water.

(d) A surface impoundment must be designed, constructed, maintained, and operated to prevent overtopping resulting from normal or abnormal operations; overfilling; wind and wave actions; rainfall; run-on; from malfunctions of level controllers, alarms, and other equipment; and human error.

(e) When dikes are used to form the surface impoundment, the dikes must be designed, constructed, and maintained with sufficient structural integrity to prevent massive failure of the dikes. In ensuring structural integrity, it must not be presumed that the liner system will function without leakage during the active life of the impoundment.

(f) Uranium and thorium by-product materials must be managed to conform to the following secondary groundwater protection standard: Hazardous constituents entering the groundwater from a licensed site must not exceed the specified concentration limits in the uppermost aquifer beyond the point of compliance during the compliance period. Hazardous constituents are those constituents identified by the department pursuant to (g) of this subsection. Specified concentration limits are those limits established by the department as indicated in (j) of this subsection. The department will also establish the point of compliance and compliance period on a site specific basis through license conditions and orders. The objective in selecting the point of compliance is to provide the earliest practicable warning that the impoundment is releasing hazardous constituents to the groundwater. The point of compliance must be selected to provide prompt indication of groundwater contamination on the hydraulically downgradient edge of the disposal area. The department must identify hazardous constituents, establish concentration limits, set the compliance period, and adjust the point of compliance, if needed, when the detection monitoring established under criterion 7 indicates leakage of hazardous constituents from the disposal area.

(g) A constituent becomes a hazardous constituent subject to (j) of this subsection when the constituent:

(i) Is reasonably expected to be in or derived from the by-product material in the disposal area;

(ii) Has been detected in the groundwater in the uppermost aquifer; and

(iii) Is listed in WAC 246-252-050 Appendix A.

(h) The department may exclude a detected constituent from the set of hazardous constituents on a site specific basis if it finds that the constituent is not capable of posing a substantial present or potential hazard to human health or the environment. In deciding whether to exclude constituents, the department will consider the following:

(i) Potential adverse effect on groundwater quality, considering —

(A) The physical and chemical characteristics of the waste in the licensed site, including its potential for migration;

(B) The hydrogeological characteristics of the facility and surrounding land;

(C) The quantity of groundwater and the direction of groundwater flow;

(D) The proximity and withdrawal rates of groundwater users;

(E) The current and future uses of groundwater in the area;

(F) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater quality;

(G) The potential for health risks caused by human exposure to waste constituents;

(H) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents;

(I) The persistence and permanence of the potential adverse effects.

(ii) Potential adverse effects on hydraulically-connected surface water quality, considering —

(A) The volume and physical and chemical characteristics of the waste in the licensed site;

(B) The hydrogeological characteristics of the facility and surrounding land;

(C) The quantity and quality of groundwater, and the direction of groundwater flow;

(D) The patterns of rainfall in the region;

(E) The proximity of the licensed site to surface waters;

(F) The current and future uses of surface waters in the area and any water quality standards established for those surface waters;

(G) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface water quality;

(H) The potential for health risks caused by human exposure to waste constituents;

(I) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and

(J) The persistence and permanence of the potential adverse effects.

(i) In making any determinations under (h) and (k) of this subsection about the use of groundwater in the area around the facility, the department will consider any identification of underground sources of drinking water and exempted aquifers made by the United States Environmental Protection Agency.

(j) At the point of compliance, the concentration of a hazardous constituent must not exceed —

(i) The department approved background concentration of that constituent in the groundwater;

(ii) The respective value given in the table in subsection (5)(l) of this section if the constituent is listed in the table and if the background level of the constituent is below the value listed; or

(iii) An alternate concentration limit established by the department.

(k) Conceptually, background concentrations pose no incremental hazards and the drinking water limits in (j)(i) of this subsection state acceptable hazards but these two options may not be practically achievable at a specific site. Alternate concentration limits that present no significant hazard may be proposed by licensees for department consideration. Licensees must provide the basis for any proposed limits including consideration of practicable corrective actions, that limits are as low as reasonably achievable, and information on the factors the department must consider.

The department will establish a site specific alternate concentration limit for a hazardous constituent as provided in (j) of this subsection if it finds that the constituent will not pose a substantial present or potential hazard to human health or the environment as long as the alternate concentration limit is not exceeded. In establishing alternate concentration limits, the department will apply its as low as reasonably achievable criterion in this chapter. The department will also consider the following factors:

(i) Potential adverse effects on groundwater quality, considering —

- (A) The physical and chemical characteristics of the waste in the licensed site including its potential for migration;
- (B) The hydrogeological characteristics of the facility and surrounding land;
- (C) The quantity of groundwater and the direction of groundwater flow;
- (D) The proximity and withdrawal rates of groundwater users;
- (E) The current and future uses of groundwater in the area;
- (F) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater quality;
- (G) The potential for health risks caused by human exposure to waste constituents;
- (H) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents;
- (I) The persistence and permanence of the potential adverse effects.
 - (ii) Potential adverse effects on hydraulically-connected surface water quality, considering —
 - (A) The volume and physical and chemical characteristics of the waste in the licensed site;
 - (B) The hydrogeological characteristics of the facility and surrounding land;
 - (C) The quantity and quality of groundwater, and the direction of groundwater flow;
 - (D) The patterns of rainfall in the region;
 - (E) The proximity of the licensed site to surface waters;
 - (F) The current and future uses of surface waters in the area and any water quality standards established for those surface waters;
 - (G) The existing quality of surface water including other sources of contamination and the cumulative impact on surface water quality;
 - (H) The potential for health risks caused by human exposure to waste constituents;
 - (I) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and
 - (J) The persistence and permanence of the potential adverse effects.
- (I) MAXIMUM VALUES FOR GROUNDWATER PROTECTION:

Constituent or Property	Maximum Concentration
	Milligrams per liter
Arsenic	0.05
Barium	1.0
Cadmium	0.01
Chromium	0.05
Lead	0.05
Mercury	0.002
Selenium	0.01
Silver	0.05
Endrin (1,2,3,4,10,10-hexachloro-1,7 -epoxy-1,4,4a,5,6,7,8,9a-octahydro-1, 4-endo, endo-5,8-dimethano naphthalene)	0.0002
Lindane (1,2,3,4,5,6-hexachlorocyclohexane, gamma isomer)	0.004

Methoxychlor (1,1,1-Trichloro-2,2-bis(p-methoxyphenylethane)	0.1
Toxaphene (C ₁₀ H ₁₀ Cl ₆ , Technical chlorinated camphene, 67-69 percent chlorine)	0.005
2,4-D (2,4-Dichlorophenoxyacetic acid)	0.1
2,4,5-TP Silvex (2,4,5-Trichlorophenoxypropionic acid)	0.01
	Picocuries per liter
Combined radium - 226 and radium - 228	5
Gross alpha - particle activity (excluding radon and uranium when producing uranium by-product material or thorium when producing thorium by-product material)	15

(m) If the groundwater protection standards established under (f) of this subsection are exceeded at a licensed site, a corrective action program must be put into operation as soon as is practicable, and in no event later than eighteen months after the department finds that the standards have been exceeded. The licensee shall submit the proposed corrective action program and supporting rationale for department approval prior to putting the program into operation, unless otherwise directed by the department. The objective of the program is to return hazardous constituent concentration levels in groundwater to the concentration limits set as standards. The licensee's proposed program must address removing the hazardous constituents that have entered the groundwater at the point of compliance or treating them in place. The program must also address removing or treating in place any hazardous constituents that exceed concentration limits in groundwater between the point of compliance and the downgradient facility property boundary. The licensee shall continue corrective action measures to the extent necessary to achieve and maintain compliance with the groundwater protection standard. The department will determine when the licensee may terminate corrective action measures based on data from the groundwater monitoring program and other information that provide reasonable assurance that the groundwater protection standard will not be exceeded.

(n) In developing and conducting groundwater protection programs, applicants and licensees shall also consider the following:

(i) Installation of bottom liners (where synthetic liners are used, a leakage detection system must be installed immediately below the liner to ensure major failures are detected if they occur. This is in addition to the groundwater monitoring program conducted as provided in Criterion 7. Where clay liners are proposed or relatively thin, in-situ clay soils are to be relied upon for seepage control, tests must be conducted with representative tailings solutions and clay materials to confirm that no significant deterioration of permeability or stability properties will occur with continuous exposure of clay to tailings solutions. Tests must be run for a sufficient period of time to reveal any effects if they are going to occur (in some cases deterioration has been observed to occur rather rapidly after about nine months of exposure)).

(ii) Mill process designs which provide the maximum practicable recycle of solutions and conservation of water to reduce the net input of liquid to the tailings impoundment.

(iii) Dewatering of tailings by process devices and/or in-situ drainage systems (at new sites, tailings must be dewatered by a drainage system installed at the bottom of the impoundment to lower the phreatic surface and reduce the

driving head of seepage, unless tests show tailings are not amenable to such a system. Where in-situ dewatering is to be conducted, the impoundment bottom must be graded to assure that the drains are at a low point. The drains must be protected by suitable filter materials to assure that drains remain free running. The drainage system must also be adequately sized to assure good drainage).

(iv) Neutralization to promote immobilization of hazardous constituents.

(o) Where groundwater impacts are occurring at an existing site due to seepage, action must be taken to alleviate conditions that lead to excessive seepage impacts and restore groundwater quality. The specific seepage control and groundwater protection method, or combination of methods, to be used must be worked out on a site-specific basis. Technical specifications must be prepared to control installation of seepage control systems. A quality assurance, testing, and inspection program, which includes supervision by a qualified engineer or scientist, must be established to assure the specifications are met.

(p) In support of a tailings disposal system proposal, the applicant/operator shall supply information concerning the following:

(i) The chemical and radioactive characteristics of the waste solutions.

(ii) The characteristics of the underlying soil and geologic formations particularly as they will control transport of contaminants and solutions. This includes detailed information concerning extent, thickness, uniformity, shape, and orientation of underlying strata. Hydraulic gradients and conductivities of the various formations must be determined. This information must be gathered from borings and field survey methods taken within the proposed impoundment area and in surrounding areas where contaminants might migrate to groundwater. The information gathered on boreholes must include both geologic and geophysical logs in sufficient number and degree of sophistication to allow determining significant discontinuities, fractures, and channeled deposits of high hydraulic conductivity. If field survey methods are used, they should be in addition to and calibrated with borehole logging. Hydrologic parameters such as permeability may not be determined on the basis of laboratory analysis of samples alone; a sufficient amount of field testing (e.g., pump tests) must be conducted to assure actual field properties are adequately understood. Testing must be conducted to allow estimating chemi-sorption attenuation properties of underlying soil and rock.

(iii) Location, extent, quality, capacity and current uses of any groundwater at and near the site.

(q) Steps must be taken during stockpiling of ore to minimize penetration of radionuclides into underlying soils; suitable methods include lining and/or compaction of ore storage areas.

(6) Criterion 6 - (a) In disposing of waste by-product material, licensees shall place an earthen cover (or approved alternative) over tailings or wastes at the end of milling operations and shall close the waste disposal area in accordance with a design¹ which provides reasonable assurance of control of radiological hazards to:

(i) Be effective for 1,000 years, to the extent reasonably achievable, and, in any case, for at least 200 years; and

(ii) Limit releases of Radon-222 from uranium by-product materials, and Radon-220 from thorium by-product materials, to the atmosphere so as not to exceed an average² release rate of 20 picocuries per square meter per second (pCi/m²s) to the extent practicable throughout the effective design life determined pursuant to (a)(i) of this subsection (this criterion). In computing required tailings cover thicknesses, moisture in soils in excess of amounts found normally in similar soils in similar circumstances may not be considered. Direct gamma exposure from the tailings or wastes should be reduced to background levels. The effects of any thin synthetic layer may not be taken into account in determining the calculated radon exhalation level. If nonsoil materials are proposed as cover materials, it must be demonstrated that these materials will not crack or degrade by differential settlement, weathering, or other mechanism, over long-term intervals.

(b) As soon as reasonably achievable after emplacement of the final cover to limit releases of Radon-222 from uranium by-product material and prior to placement of erosion protection barriers or other features necessary for long-term control of the tailings, the licensees shall verify through appropriate testing and analysis that the design and construction of the final radon barrier is effective in limiting releases of Radon-222 to a level not exceeding 20 pCi/m²s averaged over the entire pile or impoundment using the procedures described in 40 CFR part 61, appendix B, Method 115, or another method of verification approved by the Nuclear Regulatory Commission as being at least as effective in demonstrating the effectiveness of the final radon barrier.

(c) When phased emplacement of the final radon barrier is included in the applicable reclamation plan, the verification of Radon-222 release rates required in (b) of this subsection (this criterion) must be conducted for each portion of the pile or impoundment as the final radon barrier for that portion is emplaced.

(d) Within ninety days of the completion of all testing and analysis relevant to the required verification in (b) and (c) of this subsection (this criterion), the uranium mill licensee shall report to the department the results detailing the actions taken to verify that levels of release of Radon-222 do not exceed 20 pCi/m²s when averaged over the entire pile or impoundment. The licensee shall maintain records until termination of the license documenting the source of input parameters including the results of all measurements on which they are based, the calculations and/or analytical methods used to derive values for input parameters, and the procedure used to determine compliance. These records shall be kept in a form suitable for transfer to the custodial agency at the time of transfer of the site to DOE or a state for long-term care if requested.

(e) Near surface cover materials (i.e., within the top three meters) may not include waste or rock that contains elevated levels of radium; soils used for near surface cover must be essentially the same, as far as radioactivity is concerned, as that of surrounding surface soils. This is to ensure that surface radon exhalation is not significantly above background because of the cover material itself.

(f) The design requirements in this criterion for longevity and control of radon releases apply to any portion of a

licensed and/or disposal site unless such portion contains a concentration of radium in land, averaged over areas of 100 square meters, which, as a result of by-product material, does not exceed the background level by more than:

(i) 5 picocuries per gram (pCi/g) of radium-226, or, in the case of thorium by-product material, radium-228, averaged over the first 15 centimeters (cm) below the surface; and

(ii) 15 pCi/g of radium-226, or, in the case of thorium by-product material, radium-228, averaged over 15-cm thick layers more than 15 cm below the surface.

(g) The licensee shall also address the nonradiological hazards associated with the wastes in planning and implementing closure. The licensee shall ensure that disposal areas are closed in a manner that minimizes the need for further maintenance. To the extent necessary to prevent threats to human health and the environment, the licensee shall control, minimize, or eliminate post-closure escape of nonradiological hazardous constituents, leachate, contaminated rainwater, or waste decomposition products to the ground or surface waters or to the atmosphere.

- 1 In the case of thorium by-product materials, the standard applies only to design. Monitoring for radon emissions from thorium by-product materials after installation of an appropriately designed cover is not required.
- 2 This average applies to the entire surface of each disposal area over a period of at least one year, but a period short compared to 100 years. Radon will come from both by-product materials and from covering materials. Radon emissions from covering materials should be estimated as part of developing a closure plan for each site. The standard, however, applies only to emissions from by-product materials to the atmosphere.

Criterion 6A - (a) For impoundments containing uranium by-product materials, the final radon barrier must be completed as expeditiously as practicable considering technological feasibility after the pile or impoundment ceases operation in accordance with a written, department-approved reclamation plan. (The term as expeditiously as practicable considering technological feasibility as specifically defined in WAC 246-252-010 includes factors beyond the control of the licensee.) Deadlines for completion of the final radon barrier and, if applicable, the following interim milestones must be established as a condition of the individual license: Windblown tailings retrieval and placement on the pile and interim stabilization (including dewatering or the removal of freestanding liquids and recontouring). The placement of erosion protection barriers or other features necessary for long-term control of the tailings must also be completed in a timely manner in accordance with a written, approved reclamation plan.

(b) The department may approve a licensee's request to extend the time for performance of milestones related to emplacement of the final radon barrier if, after providing an opportunity for public participation, the department finds that the licensee has adequately demonstrated in the manner required in subsection (6)(b) of this section (Criterion 6) that releases of Radon-222 do not exceed an average of 20 pCi/m²s. If the delay is approved on the basis that the radon releases do not exceed 20 pCi/m²s, a verification of radon levels, as required by subsection (6)(b) of this section (Criterion 6), must be made annually during the period of delay. In addition, once the department has established the

date in the reclamation plan for the milestone for completion of the final radon barrier, the department may extend that date based on cost if, after providing an opportunity for public participation, the department finds that the licensee is making good faith efforts to emplace the final radon barrier, the delay is consistent with the definitions of available technology, and the radon releases caused by the delay will not result in a significant incremental risk to the public health.

(c) The department may authorize by license amendment, upon licensee request, a portion of the impoundment to accept uranium by-product material or such materials that are similar in physical, chemical, and radiological characteristics to the uranium mill tailings and associated wastes already in the pile or impoundment from other sources, during the closure process. No such authorization will be made if it results in a delay or impediment to emplacement of the final radon barrier over the remainder of the impoundment in a manner that will achieve levels of Radon-222 releases not exceeding 20 pCi/m²s averaged over the entire impoundment. The verification required in subsection (6)(b) of this section (Criterion 6) may be completed with a portion of the impoundment being used for further disposal if the department makes a final finding that the impoundment will continue to achieve a level of Radon-222 releases not exceeding 20 pCi/m²s averaged over the entire impoundment. In this case, after the final radon barrier is complete except for the continuing disposal area:

- (i) Only by-product material will be authorized for disposal;
- (ii) The disposal will be limited to the specified existing disposal area; and
- (iii) This authorization will only be made after providing opportunity for public participation.

Reclamation of the disposal area, as appropriate, must be completed in a timely manner after disposal operations cease in accordance with subsection (6)(a) of this section (Criterion 6); however, these actions are not required to be complete as part of meeting the deadline for final radon barrier construction.

(7) Criterion 7 - At least one full year prior to any major site construction, a preoperational monitoring program must be conducted to provide complete baseline data on a milling site and its environs. Throughout the construction and operating phases of the mill, an operational monitoring program must be conducted to complete the following:

- (a) To measure or evaluate compliance with applicable standards and regulations;
- (b) To evaluate performance of control systems and procedures;
- (c) To evaluate environmental impacts of operation; and
- (d) To detect potential long-term effects.

The licensee shall establish a detection monitoring program needed for the department to set the site-specific groundwater protection standards in Criterion 5 of this section. For all monitoring under this paragraph, the licensee or applicant will propose for department approval as license conditions, which constituents are to be monitored on a site-specific basis. A detection monitoring program has two purposes. The initial purpose of the program is to detect leakage of hazardous constituents from the disposal area so that the need to set groundwater protection standards

is monitored. If leakage is detected, the second purpose of the program is to generate data and information needed for the department to establish the standards under Criterion 5. The data and information must provide a sufficient basis to identify those hazardous constituents which require concentration limit standards and to enable the department to set the limits for those constituents and the compliance period. They may also need to provide the basis for adjustments to the point of compliance. For licenses in effect September 30, 1983, the detection monitoring programs must have been in place by October 1, 1984. For licenses issued after September 30, 1983, the detection monitoring programs must be in place when specified by the department in orders or license conditions. Once groundwater protection standards have been established pursuant to Criterion 5, the licensee shall establish and implement a compliance monitoring program. The purpose of the compliance monitoring program is to determine that the hazardous constituent concentrations in ground water continue to comply with the standards set by the department. In conjunction with a corrective action program, the licensee shall establish and implement a corrective action monitoring program. The purpose of the corrective action monitoring program is to demonstrate the effectiveness of the corrective actions. Any monitoring program required by this paragraph may be based on existing monitoring programs to the extent the existing programs can meet the stated objective for the program.

(8) Criterion 8 - Milling operations shall be conducted so that all airborne effluent releases are reduced to as low as is reasonably achievable. The primary means of accomplishing this shall be by means of emission controls. Institutional controls, such as extending the site boundary and exclusion area, may be employed to ensure that offsite exposure limits are met, but only after all practicable measures have been taken to control emissions at the source. Notwithstanding the existence of individual dose standards, strict control of emissions is necessary to assure that population exposures are reduced to the maximum extent reasonably achievable and to avoid site contamination. The greatest potential sources of offsite radiation exposure (aside from radon exposure) are dusting from dry surfaces of the tailings disposal area not covered by tailings solution and emissions from yellowcake drying and packaging operations. During operations and prior to closure, radiation doses from radon emissions from surface impoundments shall be kept as low as is reasonably achievable. Checks shall be made and logged hourly of all parameters (e.g., differential pressure and scrubber water flow rate) which determine the efficiency of yellowcake stack emission control equipment operation. It shall be determined whether or not conditions are within a range prescribed to ensure that the equipment is operating consistently near peak efficiency; corrective action shall be taken when performance is outside of prescribed ranges. Effluent control devices shall be operative at all times during drying and packaging operations and whenever air is exhausting from the yellowcake stack.

Drying and packaging operations shall terminate when controls are inoperative. When checks indicate the equipment is not operating within the range prescribed for peak efficiency, actions shall be taken to restore parameters to the prescribed range. When this cannot be done without

shutdown and repairs, drying and packaging operations shall cease as soon as practicable.

Operations may not be restarted after cessation due to off-normal performance until needed corrective actions have been identified and implemented. All such cessations, corrective actions, and restarts shall be reported to the department in writing, within ten days of the subsequent restart.

To control dusting from tailings, that portion not covered by standing liquids shall be wetted or chemically stabilized to prevent or minimize blowing and dusting to the maximum extent reasonably achievable. This requirement may be relaxed if tailings are effectively sheltered from wind, such as may be the case where they are disposed of below grade and the tailings surface is not exposed to wind. Consideration shall be given in planning tailings disposal programs to methods which would allow phased covering and reclamation of tailings impoundments since this will help in controlling particulate and radon emissions during operation. To control dustings from diffuse sources, such as tailings and ore pads where automatic controls do not apply, operators shall develop written operating procedures specifying the methods of control which will be utilized.

Milling operations producing or involving thorium by-product material shall be conducted in such a manner as to provide reasonable assurance that the annual dose equivalent does not exceed twenty-five millirems to the whole body, seventy-five millirems to the thyroid, and twenty-five millirems to any other organ of any member of the public as a result of exposures to the planned discharge of radioactive materials, Radon-220 and its daughters excepted, to the general environment.

Uranium and thorium by-product materials shall be managed so as to conform to the applicable provisions of Title 40 of the Code of Federal Regulations, Part 440, Ore Mining and Dressing Point Source Category: Effluent Limitations Guidelines and New Source Performance Standards, Subpart C, Uranium, Radium, and Vanadium Ores Subcategory, as codified on January 1, 1983.

The licensee shall establish a detection monitoring program needed to establish the groundwater protection standards in subsection (5)(f) of this section. A detection monitoring program has two purposes. The initial purpose of the program is to detect leakage of hazardous constituents from the disposal area so that the need to set groundwater protection standards is monitored. If leakage is detected, the second purpose of the program is to generate data and information needed for the department to establish the standards under subsection (5)(f) of this section. The data and information must provide a sufficient basis to identify those hazardous constituents which require concentration limit standards and to enable the department to set the limits for those constituents and the compliance period. They may also need to provide the basis for adjustments to the point of compliance. For licenses in effect September 30, 1983, the detection monitoring programs must have been in place by October 1, 1984. For licenses issued after September 30, 1983, the detection monitoring programs must be in place when specified by the department in orders or license conditions. Once groundwater protection standards have been established pursuant to subsection (5)(f) of this section,

the licensee shall establish and implement a compliance monitoring program. The purpose of the compliance monitoring program is to determine that the hazardous constituent concentrations in groundwater continue to comply with the standards set by the department. In conjunction with a corrective action program, the licensee shall establish and implement a corrective action monitoring program. The purpose of the corrective action monitoring program is to demonstrate the effectiveness of the corrective actions. Any monitoring program required by this paragraph may be based on existing monitoring programs to the extent the existing programs can meet the stated objective for the program.

Daily inspections of tailings or waste retention systems must be conducted by a qualified engineer or scientist and documented. The department must be immediately notified of any failure in a tailings or waste retention system which results in a release of tailings or waste into unrestricted areas, and/or of any unusual conditions (conditions not contemplated in the design of the retention system) which if not corrected could indicate the potential or lead to failure of the system and result in a release of tailings or waste into unrestricted areas.

(9) Criterion 9 - (a) Pursuant to chapter 70.121 RCW, and except as otherwise provided, financial surety arrangements for site reclamation and long-term surveillance and control which may consist of surety bonds, cash deposits, certificates of deposit, deposits of government securities, irrevocable letters or lines of credit, or any combination of the above, or other arrangements approved by the department, milling operations shall be established for source material to ensure the protection of the public health and safety in the event of abandonment, default, or other inability of the licensee to meet the requirements of the act and these regulations.

(i) The amount of funds to be ensured by such surety arrangements shall be based on department-approved cost estimates.

(ii) Self-insurance, or any arrangement which essentially constitutes self-insurance (e.g., a contract with a state or federal agency), will not satisfy the surety requirement, since this provides no additional assurance other than that which already exists through license requirements.

(b) The arrangements required in (a) of this subsection shall be established prior to commencement of operations to assure that sufficient funds will be available to carry out decontamination and decommissioning of the facility.

(c) Amendments to licenses in effect on the effective date of this regulation may be issued, providing that the required surety arrangements are established within ninety days after the effective date of this subsection.

(d) For source material milling operations, the amount of funds to be ensured by such surety arrangements shall be based on department-approved cost estimates in an approved plan for (i) decontamination and decommissioning of mill buildings and the milling site to levels which would allow unrestricted use of these areas upon decommissioning, and (ii) the reclamation of tailings and/or waste disposal areas in accordance with the technical criteria delineated in this section. The licensee shall submit this plan in conjunction with an environmental report that addresses the expected environmental impacts of the milling operation, decommissioning and tailings reclamation, and evaluates alternatives

for mitigating these impacts. In addition, the surety shall cover the payment of the charge for long-term surveillance and control required by the department. In establishing specific surety arrangements, the licensee's cost estimates shall take into account total costs that would be incurred if an independent contractor were hired to perform the decommissioning and reclamation work. In order to avoid unnecessary duplication and expense, the department may accept financial sureties that have been consolidated with financial or surety arrangements established to meet requirements of other federal or state agencies and/or local governing bodies for such decommissioning, decontamination, reclamation, and long-term site surveillance, provided such arrangements are considered adequate to satisfy these requirements and that portion of the surety which covers the decommissioning and reclamation of the mill, mill tailings site and associated areas, and the long-term funding charge is clearly identified and committed for use in accomplishing these activities. The licensee's surety mechanism will be reviewed annually by the department to assure that sufficient funds will be available for completion of the reclamation plan if the work had to be performed by an independent contractor. The amount of surety liability should be adjusted to recognize any increases or decreases resulting from inflation, changes in engineering plans, activities performed, and any other conditions affecting costs. Regardless of whether reclamation is phased through the life of the operation or takes place at the end of operations, an appropriate portion of surety liability shall be retained until final compliance with the reclamation plan is determined. This will yield a surety that is at least sufficient at all times to cover the costs of decommissioning and reclamation of the areas that are expected to be disturbed before the next license renewal. The term of the surety mechanism must be open ended, unless it can be demonstrated that another arrangement would provide an equivalent level of assurance. This assurance could be provided with a surety instrument which is written for a specific period of time (e.g., five years), yet which must be automatically renewed unless the surety notifies the beneficiary (the state regulatory agency) and the principal (the licensee) some reasonable time (e.g., ninety days) prior to the renewal date of their intention not to renew. In such a situation, the surety requirement still exists and the licensee would be required to submit an acceptable replacement surety within a brief period of time to allow at least sixty days for the department to collect.

Proof of forfeiture must not be necessary to collect the surety so that in the event that the licensee could not provide an acceptable replacement surety within the required time, the surety shall be automatically collected prior to its expiration. The conditions described above would have to be clearly stated on any surety instrument which is not open-ended and must be agreed to by all parties.

Long-term care requirements. Pursuant to chapter 70.121 RCW, and as otherwise provided in WAC 246-235-080 (6)(d), a long-term care trust fund shall be established by source material milling licensees prior to the issuance of the license.

(10) Criterion 10 - (a) A minimum charge of two hundred fifty thousand dollars (1978 United States dollars) accrued as specified in WAC 246-235-080 (6)(d) to cover the costs of long-term surveillance shall be paid by each mill

operator to the agency prior to the termination of a uranium or thorium mill license. If site surveillance or control requirements at a particular site are determined, on the basis of a site-specific evaluation, to be significantly greater than those specified in (a) of this subsection (e.g., if fencing is determined to be necessary), variance in funding requirements may be specified by the department. The total charge to cover the costs of long-term surveillance shall be such that, with an assumed one percent annual real interest rate, the collected funds will yield interest in an amount sufficient to cover the annual costs of site surveillance. The charge will be adjusted annually prior to actual payments to recognize inflation. The inflation rate to be used is that indicated by the change in the consumer price index published by the United States Department of Labor, Bureau of Labor Statistics. Contributions by a licensee to the long-term care trust fund pursuant to chapter 70.121 RCW shall be transferred to cover the costs assessed under this criterion.

(11) Criterion 11 - These criteria relating to ownership of tailings and their disposal sites become effective on November 8, 1981, and apply to all licenses terminated, issued, or renewed after that date.

Any uranium or thorium milling license or tailings license shall contain such terms and conditions as the United States Nuclear Regulatory Commission determines necessary to assure that prior to termination of the license, the licensee will comply with ownership requirements of this criterion for sites used for tailings disposal.

Title to the by-product material licensed pursuant to WAC 246-252-030 and land, including any interests therein (other than land owned by the United States or by the state of Washington) which is used for the disposal of any such by-product material, or is essential to ensure the long-term stability of such disposal site, shall be transferred to the United States or the state of Washington. In view of the fact that physical isolation must be the primary means of long term control, and government land ownership is a desirable supplementary measure, ownership of certain severable subsurface interests (for example, mineral rights) may be determined to be unnecessary to protect the public health and safety and the environment. In any case, the applicant/operator must demonstrate a serious effort to obtain such subsurface rights, and must, in the event that certain rights cannot be obtained, provide notification in local public land records of the fact that the land is being used for the disposal of radioactive material and is subject to either a United States Nuclear Regulatory Commission general or specific license prohibiting the disruption and disturbance of the tailings. In some rare cases, such as may occur with deep burial where no ongoing site surveillance will be required, surface land ownership transfer requirements may be waived. For licenses issued before November 8, 1981, the United States Nuclear Regulatory Commission may take into account the status of the ownership of such land, and interests therein, and the ability of a licensee to transfer title and custody thereof to the United States or the state. If the United States Nuclear Regulatory Commission, subsequent to title transfer, determines that use of the surface or subsurface estates, or both, of the land transferred to the United States or to a state will not endanger the public health, safety, welfare or environment, the United States

Nuclear Regulatory Commission may permit the use of the surface or subsurface estates, or both, of such land in a manner consistent with the provisions provided in these criteria. If the United States Nuclear Regulatory Commission permits such use of such land, it will provide the person who transferred such land with the right of first refusal with respect to such use of such land.

Material and land transferred to the United States or a state in accordance with this criterion must be transferred without cost to the United States or a state other than administrative and legal costs incurred in carrying out such transfer.

The provisions of this part, respecting transfer of title and custody to land and tailings and wastes, do not apply in the case of lands held in trust by the United States for any Indian tribe, or lands owned by such Indian tribe subject to a restriction against alienation imposed by the United States. In the case of such lands which are used for the disposal of byproduct material, as defined in this section, the licensee shall enter into arrangements with the United States Nuclear Regulatory Commission as may be appropriate to assure the long-term surveillance of such lands by the United States.

(12) Criterion 12 - The final disposition of tailings or wastes at milling sites should be such that ongoing active maintenance is not necessary to preserve isolation. As a minimum, annual site inspections must be conducted by the government agency retaining ultimate custody of the site where tailings or wastes are stored, to confirm the integrity of the stabilized tailings or waste systems, and to determine the need, if any, for maintenance and/or monitoring. Results of the inspection must be reported to the United States Nuclear Regulatory Commission within sixty days following each inspection. The United States Nuclear Regulatory Commission may require more frequent site inspections if, on the basis of a site-specific evaluation, such a need appears necessary, due to the features of a particular tailings or waste disposal system.

(13) Criterion 13 - Secondary groundwater protection standards required by Criterion 5 of this section are concentration limits for individual hazardous constituents. The list of constituents found in Appendix A of this chapter, chapter 246-252 WAC, identifies the constituents for which standards must be set and complied with if the specific constituent is reasonably expected to be in or derived from the by-product material and has been detected in groundwater. For purposes of this criterion, the property of gross alpha activity will be treated as if it is a hazardous constituent. Thus, when setting standards under subsection (5)(j) of this section, the department will also set a limit for gross alpha activity.

[Statutory Authority: RCW 70.98.050, 97-13-055, § 246-252-030, filed 6/16/97, effective 7/17/97; 94-01-073, § 246-252-030, filed 12/9/93, effective 1/9/94. Statutory Authority: RCW 70.98.050 and 70.98.080, 91-16-109 (Order 187), § 246-252-030, filed 8/7/91, effective 9/7/91. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-252-030, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.98.080, 87-01-031 (Order 2450), § 402-52-100, filed 12/11/86. Statutory Authority: Chapter 70.121 RCW, 81-16-031 (Order 1683), § 402-52-100, filed 7/28/81.]

**Chapter 246-254 WAC
RADIATION PROTECTION—FEES**

WAC

246-254-053 Radiation machine facility registration fees.

WAC 246-254-053 Radiation machine facility registration fees. (1) Persons owning and/or leasing and using radiation-producing machines shall submit a ninety dollar registration fee to the department at the time of application and every two years thereafter. In addition:

(a) For dentists, veterinarians, and podiatrists, add:

(i) Ninety dollars for the first tube; and
(ii) Forty-three dollars and fifty cents for each additional tube.

(b) For hospitals and medical or chiropractic facilities, add:

(i) Two hundred fifty dollars for the first tube; and
(ii) One hundred twenty-four dollars and fifty cents for each additional tube.

(c) For industrial, research, and other uses, add:

(i) One hundred forty dollars for the first tube; and
(ii) Forty-three dollars and fifty cents for each additional tube.

(2) The department shall charge a maximum total fee of five thousand five hundred dollars for any facility or group of facilities where an in-house, full-time staff of at least two or more is devoted entirely to in-house radiation safety.

(3) A penalty fee of ninety dollars shall be charged for late registration or late reregistration.

(4) A fee of ninety dollars shall be charged for review of medical x-ray shielding calculations and floor plans submitted under WAC 246-225-030. This fee shall be added to the registration fee described above.

(5) A penalty fee of ninety dollars shall be charged to a facility where submittal of medical x-ray shielding calculations and floor plans is not made before x-ray machine installation as required under WAC 246-225-030. This penalty fee shall be added to the registration fee described above.

(6) Facilities electing to consolidate x-ray machine registrations into a single registration shall be able to demonstrate and document that their businesses are under one business license.

(7) No additional tube fee shall be charged for electron microscopes, mammographic x-ray machines or airport baggage cabinet x-ray systems. Only the base registration fee described above is applicable.

[Statutory Authority: RCW 43.70.110, 43.70.250 and chapter 70.98 RCW. 98-01-047, § 246-254-053, filed 12/8/97, effective 1/8/98; 96-11-043, § 246-254-053, filed 5/8/96, effective 6/28/96; 95-12-004, § 246-254-053, filed 5/25/95, effective 6/25/95; 94-11-010, § 246-254-053, filed 5/5/94, effective 6/5/94; 93-13-019 (Order 372), § 246-254-053, filed 6/8/93, effective 7/9/93. Statutory Authority: RCW 43.70.110. 91-22-027 (Order 208), § 246-254-053, filed 10/29/91, effective 11/29/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-254-053, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.20B.110. 89-16-064 (Order 2839), § 440-44-050, filed 7/31/89, effective 8/31/89. Statutory Authority: RCW 43.20A.055. 86-08-054 (Order 2359), § 440-44-050, filed 3/28/86. Statutory Authority: Chapter 70.98 RCW and 1985 c 383. 85-20-021 (Order 2283), § 440-44-050, filed 9/23/85. Statutory Authority: RCW 43.20A.055. 85-13-007 (Order 2238), § 440-44-050, filed 6/7/85; 83-12-058 (Order 1965), § 440-44-050, filed 6/1/83.

Statutory Authority: 1982 c 201. 82-13-011 (Order 1825). § 440-44-050, filed 6/4/82.]

**Chapter 246-271 WAC
PUBLIC SEWAGE**

WAC

246-271-070 Repealed.
246-271-080 Repealed.

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

246-271-070 Operation of sewage treatment plants—Efficiency. [Statutory Authority: RCW 43.20.050. 92-02-019 (Order 225B), § 246-271-070, filed 12/23/91, effective 1/23/92; 91-02-051 (Order 124B), recodified as § 246-271-070, filed 12/27/90, effective 1/31/91; Regulation .92.060, effective 3/11/60.] Repealed by 97-20-100, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.20.050.

246-271-080 Operation of sewage treatment plants—Freedom from sand and silt. [Statutory Authority: RCW 43.20.050. 92-02-019 (Order 225B), § 246-271-080, filed 12/23/91, effective 1/23/92; 91-02-051 (Order 124B), recodified as § 246-271-080, filed 12/27/90, effective 1/31/91; Regulation .92.070, effective 3/11/60.] Repealed by 97-20-100, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.20.050.

WAC 246-271-070 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-271-080 Repealed. See Disposition Table at beginning of this chapter.

**Chapter 246-280 WAC
RECREATIONAL SHELLFISH BEACHES**

WAC

246-280-040 Repealed.
246-280-050 Repealed.
246-280-080 Repealed.

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

246-280-040 Marine water quality testing. [Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-280-040, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 90.70 RCW. 89-20-020 (Order 335), § 248-52-040, filed 9/27/89, effective 10/28/89.] Repealed by 97-20-100, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.20.050.

246-280-050 Shellfish meat quality standards and testing. [Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-280-050, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 90.70 RCW. 89-20-020 (Order 335), § 248-52-050, filed 9/27/89, effective 10/28/89.] Repealed by 97-20-100, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.20.050.

246-280-080 Public information and notification. [Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-280-080, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 90.70 RCW. 89-20-020 (Order 335), § 248-52-080, filed 9/27/89, effective 10/28/89.] Repealed by 97-20-100, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.20.050.

WAC 246-280-040 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-280-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-280-080 Repealed. See Disposition Table at beginning of this chapter.

[Statutory Authority: RCW 43.203.020 [43.20B.020]. 97-12-031, § 246-282-990, filed 5/30/97, effective 6/30/97. Statutory Authority: RCW 43.20B.020 and 69.30.030. 96-16-073, § 246-282-990, filed 8/6/96, effective 10/1/96. Statutory Authority: RCW 43.70.040. 93-17-096 (Order 389), § 246-282-990, filed 8/17/93, effective 9/17/93; 91-02-049 (Order 121), recodified as § 246-282-990, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.20A.055. 85-12-029 (Order 2236), § 440-44-065, filed 5/31/85; 84-13-006 (Order 2109), § 440-44-065, filed 6/7/84; 83-15-021 (Order 1991), § 440-44-065, filed 7/14/83. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-065, filed 6/4/82.]

**Chapter 246-282 WAC
SANITARY CONTROL OF SHELLFISH**

WAC
246-282-990 Shellfish program certification fees.

WAC 246-282-990 Shellfish program certification fees. (1) Annual certificate fees shall be:

Type of Operation	Annual Fee
Shellstock Shipper	
0 - 49 Acres	\$260.
50 or greater Acres	\$415.
Shucker-Packer	
Plants with floor space < 2000 sq. ft.	\$470.
Plants with floor space > 2000 sq. ft. and < 5000 sq. ft.	\$570.
Plants with floor space > 5000 sq. ft.	\$1,040.

(2) Type of operations are defined as follows:

(a) "Shellstock shipper" shall mean shippers growing, harvesting, buying, or selling shellstock. Shellstock shippers are not authorized to shuck shellfish or to repack shucked shellfish.

(b) "Shucker-packer" shall mean shippers shucking and packing shellfish. A shucker-packer may act as a shellstock dealer.

(3) "Export certificate" means a certificate issued by the department to a licensed shucker-packer or shellstock shipper for use in the foreign export of a lot or shipment of shellfish. The fee for each export certificate shall be \$10.

**Chapter 246-290 WAC
PUBLIC WATER SUPPLIES**

WAC
246-290-680 Repealed.
246-290-990 Water system evaluation and project review and approval fees.

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

246-290-680 Operating criteria for new water treatment facilities. [Statutory Authority: RCW 43.20.050. 93-08-011 (Order 352B), § 246-290-680, filed 3/25/93, effective 4/25/93.] Repealed by 97-20-100, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.20.050.

WAC 246-290-680 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-290-990 Water system evaluation and project review and approval fees. (1) The fees for the review and approval of water system plans, project reports, construction documents, existing systems, and related evaluations required under chapters 246-290, 246-291, 246-293, and 246-295 WAC shall be as follows:

(a) Water system plans required under WAC 246-290-100, 246-293-220, and 246-293-230.

Project Type	Group B	Group A				
		<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
Water system plan (New and Updated)	109.00	381.00	929.00	1,754.00	2,851.00	4,219.00
Minor water system plan alteration	27.00	92.00	229.00	438.00	710.00	1,039.00

(b) Satellite management agency (SMA) plans required under WAC 246-295-040.

Project Type	Group B	Group A				
		<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
SMA plan for ownership (New and Updated)	No plan required	381.00	929.00	1,754.00	2,851.00	4,219.00
SMA approval amendment	No amendment required	81.00 per hour or appropriate fee from category above, whichever is less				

SMA plan for operation only (New and Updated)	No plan required	929.00	929.00	929.00	929.00	929.00
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Note: SMAs owning water systems and submitting planning documents to the department for review shall be charged only the SMA fee.

(c) New plan elements required under WAC 246-290-100, 246-290-135, and 246-291-140 including:

- (i) Conservation; and
- (ii) Wellhead protection,

shall be reviewed separately by the department and the fee assessed shall reflect the time spent for this review and shall be calculated based on eighty-one dollars per hour. After the initial submittal, updated information shall be reviewed as part of the updated water system plan and the review fee shall be included in the applicable updated plan review fee listed under (a) or (b) of this subsection.

(d) Project reports required under WAC 246-290-110.

Project Type	Group B	Group A				
		<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
All types of filtration or other complex treatment processes	271.00	548.00	851.00	1,232.00	1,697.00	2,250.00
Chemical addition only, such as ion exchange, hypochlorination, or fluoridation	81.00	161.00	271.00	407.00	574.00	767.00
Complete water system (an additional fee shall be assessed for review of treatment facility, if any)	161.00	381.00	600.00	877.00	1,206.00	1,587.00
System modifications requiring a detailed evaluation to determine whether the system, as modified, will comply with regulations (an additional fee shall be assessed for review of treatment facility, if any)	109.00	271.00	438.00	658.00	929.00	1,253.00

(e) Special reports or plans required under WAC 246-290-115, 246-290-230, 246-291-230, 246-290-250, 246-290-470, 246-290-636, 246-290-654, and 246-290-676 including:

- (i) Corrosion control recommendation report;
- (ii) Corrosion control study;
- (iii) Plan to cover uncovered reservoirs;
- (iv) Predesign study;
- (v) Uncovered reservoir plan of operation;
- (vi) Tracer study plan;
- (vii) Surface water or GWI treatment facility operations plan; or
- (viii) Filtration pilot study,

shall be reviewed by the department and the fee assessed shall reflect the time spent for this review and shall be calculated based on eighty-one dollars per hour.

(f) Construction documents required under WAC 246-290-120.

Project Type	Group B	Group A				
		<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
All types of filtration or other complex treatment processes	271.00	548.00	851.00	1,232.00	1,697.00	2,250.00

Public Water Supplies

246-290-990

Chemical addition only, such as ion exchange, hypochlorination, or fluoridation	81.00	161.00	271.00	407.00	574.00	767.00
Complete new water system except treatment (an additional fee shall be assessed for review of treatment facility, if any)	219.00	490.00	710.00	987.00	1,316.00	1,697.00
New source only (an additional fee shall be assessed for review of treatment facility, if any)	161.00	297.00	407.00	548.00	710.00	903.00
One or more of the following submitted as a package and not requiring a detailed evaluation as determined by the department: Water line installation, booster pump station, modifications to source pumping, piping-valving, controls or storage reservoir (an additional fee shall be assessed for review of treatment facility, if any)	109.00	188.00	297.00	438.00	600.00	793.00
Documents submitted for projects such as water line installation, booster pump stations, modifications to source pumping, piping/valving, controls or storage reservoirs as determined by the department where such projects: Comply with design standards established by the department; Are prepared by a professional engineer in accordance with WAC 246-290-040; and Do not require a detailed evaluation by the department.	52.00	94.00	156.00	219.00	302.00	396.00

(g) Existing system approval required under WAC 246-290-140. For the purpose of this subsection the department shall determine whether a system is expanding or nonexpanding.

Project Type	Group B	Group A				
		<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
NONEXPANDING system not requiring a detailed evaluation by the department	208.00	417.00	626.00	835.00	1,044.00	1,253.00
NONEXPANDING system requiring a detailed evaluation as determined by the department	313.00	626.00	940.00	1,253.00	1,566.00	1,880.00

EXPANDING system not requiring a detailed evaluation by the department	417.00	835.00	1,253.00	1,671.00	2,089.00	2,506.00
EXPANDING system requiring a detailed evaluation as determined by the department	522.00	1,044.00	1,566.00	2,089.00	2,611.00	3,133.00

(h) Monitoring waivers requested under WAC 246-290-300.

Project Type	Group B	Group A				
		<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
Inorganic chemical monitoring waiver	Not applicable	73.00 per source	99.00 per source	125.00 per source	151.00 per source	177.00 per source
Organic chemical monitoring waiver	Not applicable	130.00 per source	182.00 per source	235.00 per source	287.00 per source	339.00 per source
Use waiver	Not applicable	156.00 per source	208.00 per source	266.00 per source	313.00 per source	365.00 per source
Area wide waiver renewal	Not applicable	208.00 per source	287.00 per source	365.00 per source	443.00 per source	522.00 per source
Inorganic chemical monitoring waiver renewal	Not applicable	41.00 per source	52.00 per source	62.00 per source	73.00 per source	83.00 per source
Organic chemical monitoring waiver renewal	Not applicable	78.00 per source	109.00 per source	141.00 per source	172.00 per source	203.00 per source
Use waiver renewal	Not applicable	109.00 per source	146.00 per source	182.00 per source	219.00 per source	255.00 per source
Coliform monitoring waiver including departmental inspection requested by purveyor	Not applicable	329.00	407.00	517.00	658.00	Not applicable
Coliform monitoring waiver with third-party inspection report	Not applicable	104.00	104.00	104.00	104.00	Not applicable

(i) Other evaluations and approvals. As applicable, these fees will be charged in addition to the basic fees assessed under (a) through (h) of this subsection.

Project Type	Group B	Group A				
		<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
Well-site evaluation and approval including the site inspection and hydrogeologic information review.	161.00	240.00	282.00	349.00	438.00	548.00
Regulatory monitoring plan ¹	No plan required	156.00	208.00	261.00	313.00	365.00
Unfiltered system annual comprehensive report	Not applicable	313.00	522.00	731.00	940.00	1,148.00
¹ A comprehensive document containing coliform, inorganic chemical and organic chemical monitoring plans in accordance with WAC 246-290-300 (2)(b), (3)(f), and (7)(e).						
Water system compliance report	54.00	92.00	92.00	92.00	92.00	

(2) To determine the appropriate fee for a noncommunity system, calculate the service equivalent by taking the average population served each day of operation and dividing by twenty-five for a transient noncommunity (TNC) system and two and one-half for nontransient noncommunity (NTNC) system. Use the number of service equivalents to find out what Group A size category to look under and submit the appropriate fee. (All noncommunity systems are Group A systems as described in WAC 246-290-020.)

(3) Additional review and approval fees may be assessed as follows:

(a) The basic fee covers an evaluation, or the review of an initial submittal and one resubmittal if required. If additional resubmittals are required, an additional twenty-five percent of the original fee will be assessed for each additional resubmittal. For water system plan and SMA plan preparation the basic fee also covers a preplanning conference. When the department is asked to participate in other meetings involving the plan such as community meetings, public hearings, or meetings with elected officials, the department is authorized to charge additional fees at the rate of eighty-one dollars per hour;

(b) Fees for department project approval based on local technical review will be determined on a case-by-case basis as outlined in the applicable memorandum of understanding between the department and the respective local agency;

(c) Fees for services which the department determines are not described under subsection (1) of this section, will be calculated based on a rate of eighty-one dollars per hour.

Examples of these services include, but are not limited to:

(i) Review and inspection of water reuse projects;
(ii) Collection of water quality samples requested by purveyor; or

(iii) Review of alternate technologies requested by purveyor, manufacturer or authorized representative;

(d) Additional fees assessed by the department shall be billed to the purveyor using an itemized invoice.

(4) If the legislature revises the water system operating permit fee under RCW 70.119A.110 to incorporate into it one or more fees for service currently assessed separately under this section, and the purveyor has paid that consolidated fee, the department shall not assess or collect a separate fee under this section for any such service.

(5) All fees required under this section except as noted in subsection (3) of this section, shall be submitted prior to the department's approval. Payment of fees shall be in the form of a check or money order made payable to: The Department of Health. Payment of a fee shall not guarantee approval of the submitted document or evaluation request.

(6) Purveyors unable to determine the appropriate fee payment to submit should contact the department.

[Statutory Authority: RCW 43.20B.020. 97-12-032, § 246-290-990, filed 5/30/97, effective 6/30/97; 95-20-079, § 246-290-990, filed 10/4/95, effective 11/4/95; 93-01-006 (Order 315), § 246-290-990, filed 12/3/92, effective 1/3/93. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-290-990, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.20A.055. 87-14-066 (Order 2493), § 440-44-048, filed 7/1/87; 83-14-038 (Order 1980), § 440-44-048, filed 6/30/83.]

Chapter 246-293 WAC

WATER SYSTEM COORDINATION ACT

WAC

246-293-310 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-293-310 Severability. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-293-310, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.116 RCW. 78-07-048 (Order 1309), § 248-56-900, filed 6/28/78.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

WAC 246-293-310 Repealed. See Disposition Table at beginning of this chapter.

Chapter 246-310 WAC

CERTIFICATE OF NEED

WAC

246-310-060 Repealed.

246-310-135 Repealed.

246-310-630 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-310-060 Sanctions for violations. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-310-060, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.38.135. 81-09-012 (Order 210), § 248-19-250, filed 4/9/81, effective 5/20/81. Statutory Authority: Chapter 70.38 RCW. 79-12-079 (Order 188), § 248-19-250, filed 11/30/79.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

246-310-135 Ethnic minority nursing home bed pool—Procedures. [Statutory Authority: Chapter 70.38 RCW. 96-24-052, § 246-310-135, filed 11/27/96, effective 12/28/96. Statutory Authority: RCW 70.38.135 (3)(c). 92-05-057 (Order 244), § 246-310-135, filed 2/14/92, effective 3/16/92.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

246-310-630 Public access to records. [Statutory Authority: RCW 70.38.135 and 70.38.919. 92-02-018 (Order 224), § 246-310-630, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-310-630, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.38.135. 81-09-012 (Order 210), § 248-19-500, filed 4/9/81, effective 5/20/81. Statutory Authority: Chapter 70.38 RCW. 79-12-079 (Order 188), § 248-19-500, filed 11/30/79.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

WAC 246-310-060 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-310-135 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-310-630 Repealed. See Disposition Table at beginning of this chapter.

**Chapter 246-312 WAC
ACQUISITION OF HOSPITALS—REVIEW**

WAC

246-312-010 Purpose.
246-312-990 Fees.

WAC 246-312-010 Purpose. The purpose of this chapter is to implement chapter 332, Laws of 1997, the nonprofit hospital sales review program. The legislature has determined that the state has an interest to assure the continued existence of accessible, affordable health care facilities. To achieve this goal the department of health is responsible for reviewing and approving the acquisition of nonprofit hospitals by for-profit entities. The department may approve an acquisition of a nonprofit hospital only if it determines that the nonprofit hospital has taken appropriate steps to safeguard charitable assets and any proceeds of the acquisition are used for appropriate charitable health and health care purposes.

[Statutory Authority: 1997 c 332 § 14. 97-21-052, § 246-312-010, filed 10/13/97, effective 11/13/97.]

WAC 246-312-990 Fees. (1) The department will assess on the acquiring party a nonrefundable application processing fee, a review fee and other charges as authorized in chapter 332, Laws of 1997. The fees shall consist of the following:

	Nonrefundable Processing Fee
Processing Fees	
Each New Application will be subject to a	\$1,000
Each Amendment to an application undergoing review will be subject to a	\$ 500
Type of Acquisition Description	Review Fee
Acquisition of 20% or more of the assets of the hospital	\$40,000
Change in current ownership position that results in acquiring party holding or controlling 50% or more of the hospital assets	\$50,000
Any Other Change in Ownership	\$60,000
Amendment to an approved Change of Ownership	\$15,000
Other Fees (When Applicable)	Fee Amount
Exemption Determinations	\$ 250
Fair Market Value Determination-Nonrefundable	\$ Based on Contracted Amount
Public Health Services District-Voluntary Review	\$ To be billed at Cost
On-Site Compliance Visit-Non-refundable	\$ To be billed at Cost

Attorney General Opinion-Non-refundable

\$ As billed to the department by the attorney general's office

(2) When an applicant submits a written request to withdraw an application, the department shall refund the review fee using the following schedule:

Time Period For Requesting Withdrawal of Application	Amount of Review Fee to be Refunded
Within 10 working days after receipt of the completed application	100%
Between the 11th working day and the 45th working day after receipt of the completed application	50%
After the 45th working day	0%

(3) Fees for the fair market value determination shall be paid in addition to the applicable processing and application review fees. These fees shall be based on the contracted amount for consultants with the expertise to make such an evaluation. The acquiring party is responsible for this payment. If payment of this fee is not made within ten working days following being billed, the review of the application shall be suspended until payment is made.

(4) Fees for the public health services district voluntary review shall be paid by the public health services district. These fees shall be billed at cost and must be paid within ten working days of being billed.

(5) Fees for the attorney general's opinion shall be paid in addition to the applicable processing and application review fees. These fees shall be based on the charges billed to the department and then billed to the acquiring party. Fees must be paid within ten working days of being billed or the review of the application shall be suspended until payment is made.

[Statutory Authority: 1997 c 332 § 14. 97-21-052, § 246-312-990, filed 10/13/97, effective 11/13/97.]

**Chapter 246-316 WAC
BOARDING HOMES**

WAC

246-316-001 Repealed.
246-316-990 Fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-316-001 Purpose and scope. [Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-001, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-001, filed 12/27/90, effective 1/31/91. Statutory Authority: 1985 c 213. 86-08-002 (Order 2348), § 248-16-999, filed 3/20/86; Regulation .16.999, effective 3/11/60.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

WAC 246-316-001 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-316-990 Fees. The licensee or applicant shall:

(1) Submit an annual license fee of fifty-four dollars per bed of the licensed resident bed capacity for initial and renewed licenses;

(2) Submit an additional one hundred fifty dollars when billed by the department for:

(a) A third on-site visit resulting from failure of the licensee or applicant to adequately respond to a statement of deficiencies; and

(b) A complete on-site survey resulting from a substantiated complaint; and

(3) Submit an additional late fee in the amount of ten dollars per day from the license renewal date until the date of mailing the fee, as evidenced by the postmark.

[Statutory Authority: RCW 18.20.050, 43.70.110 and 43.70.250. 98-01-165, § 246-316-990, filed 12/22/97, effective 1/22/98; 96-12-027, § 246-316-990, filed 5/30/96, effective 6/30/96. Statutory Authority: RCW 43.70.250, 43.70.110 and 43.20B.020. 95-12-097, § 246-316-990, filed 6/7/95, effective 7/8/95. Statutory Authority: RCW 43.70.110 and 43.70.250. 94-13-180, § 246-316-990, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.250. 92-12-086 (Order 276), § 246-316-990, filed 6/2/92, effective 7/1/92. Statutory Authority: RCW 43.70.040. 91-02-050 (Order 122), § 246-316-990, filed 12/27/90, effective 1/31/91.]

Chapter 246-318 WAC

HOSPITALS

WAC

246-318-018 Repealed.
 246-318-050 Repealed.
 246-318-060 Repealed.
 246-318-070 Repealed.
 246-318-080 Repealed.
 246-318-090 Repealed.
 246-318-100 Repealed.
 246-318-110 Repealed.
 246-318-120 Repealed.
 246-318-130 Repealed.
 246-318-135 Repealed.
 246-318-140 Repealed.
 246-318-340 Repealed.
 246-318-360 Repealed.
 246-318-410 Repealed.
 246-318-430 Repealed.
 246-318-435 Repealed.
 246-318-501 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-318-018 Hospital license to cover attached nursing home building—When permissible. [Statutory Authority: RCW 70.41.030. 92-02-018 (Order 224), § 246-318-018, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-318-018, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.41 RCW. 90-12-014 (Order 061), § 248-18-018, filed 5/30/90, effective 6/30/90; Order 119, § 248-18-018, filed 5/23/75.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

246-318-050 Water supply. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-318-050, filed 12/27/90, effective 1/31/91; Order 119, § 248-18-055, filed 5/23/75.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

246-318-060 Plumbing. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-318-060, filed

12/27/90, effective 1/31/91. Statutory Authority: RCW 70.41.030. 79-04-004 (Order 175), § 248-18-060, filed 3/9/79; Order 119, § 248-18-060, filed 5/23/75; Regulation 18.060, effective 3/11/60.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

246-318-070 Staff facilities. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-318-070, filed 12/27/90, effective 1/31/91; Order 119, § 248-18-070, filed 5/23/75; Regulation 18.070, effective 3/11/60.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

246-318-080 Storage. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-318-080, filed 12/27/90, effective 1/31/91; Order 119, § 248-18-080, filed 5/23/75; Regulation 18.080, effective 3/11/60.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

246-318-090 Heating. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-318-090, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.41.030. 79-04-004 (Order 175), § 248-18-090, filed 3/9/79; Order 119, § 248-18-090, filed 5/23/75; Regulation 18.090, effective 3/11/60.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

246-318-100 Lighting and wiring. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-318-100, filed 12/27/90, effective 1/31/91; Order 119, § 248-18-100, filed 5/23/75; Regulation 18.100, effective 1/11/61.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

246-318-110 Emergency light and power. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-318-110, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.41.030. 79-04-081 (Order 176), § 248-18-110, filed 4/2/79; Order 119, § 248-18-110, filed 5/23/75; Regulation 18.110, effective 3/11/60.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

246-318-120 Ventilation. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-318-120, filed 12/27/90, effective 1/31/91; Order 119, § 248-18-120, filed 5/23/75; Regulation 18.120, effective 1/11/61.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

246-318-130 Corridors and doors. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-318-130, filed 12/27/90, effective 1/31/91; Order 119, § 248-18-130, filed 5/23/75; Regulation 18.130, effective 3/11/60.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

246-318-135 Carpets. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-318-135, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.41.030. 79-04-004 (Order 175), § 248-18-135, filed 3/9/79; Order 119, § 248-18-135, filed 5/23/75; Order 9, § 248-18-135, filed 1/2/69; Regulation 18.135, filed 8/4/67.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

246-318-140 Stairways, ramps, and elevators. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-318-140, filed 12/27/90, effective 1/31/91; Order 119, § 248-18-140, filed 5/23/75; Regulation 18.140, effective 3/11/60.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

246-318-340 Nonflammable medical gases. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-318-340, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.20.050. 79-12-038 (Order 187), § 248-18-280, filed 11/20/79. Statutory Authority: RCW 70.41.030. 79-04-081 (Order 176), § 248-18-280, filed 4/2/79; Order 119, § 248-18-280, filed 5/23/75; Regulation 18.280, effective 3/11/60.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

- 246-318-360 Diagnostic and treatment facilities, outpatient services. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-318-360, filed 12/27/90, effective 1/31/91; Order 119, § 248-18-290, filed 5/23/75; Order 106, § 248-18-290, filed 1/13/75; Regulation 18.290, effective 3/11/60.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
- 246-318-410 Other services. [Statutory Authority: RCW 70.41.030. 92-02-018 (Order 224), § 246-318-410, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-318-410, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.41.030. 87-03-030 (Order 2464), § 248-18-321, filed 1/14/87.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
- 246-318-430 Intravenous preparation. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-318-430, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.41.030. 83-13-061 (Order 261), § 248-18-335, filed 6/15/83.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
- 246-318-435 Intravenous administration. [Statutory Authority: RCW 70.41.030. 92-02-018 (Order 224), § 246-318-435, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-318-435, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.41.030. 83-13-061 (Order 261), § 248-18-336, filed 6/15/83.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
- 246-318-501 Legal authority of the department. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-318-501, filed 12/27/90, effective 1/31/91. Statutory Authority: 1985 c 213. 86-08-002 (Order 2348), § 248-18-999, filed 3/20/86; Order 119, § 248-18-999, filed 5/23/75; Regulation 18.999, effective 3/11/60.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

WAC 246-318-018 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-318-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-318-060 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-318-070 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-318-080 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-318-090 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-318-100 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-318-110 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-318-120 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-318-130 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-318-135 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-318-140 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-318-340 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-318-360 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-318-410 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-318-430 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-318-435 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-318-501 Repealed. See Disposition Table at beginning of this chapter.

Chapter 246-321 WAC HOSPICE CARE CENTER

WAC

246-321-001 through 246-321-990 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 246-321-001 Purpose. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-321-001, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.20.050. 81-23-003 (Order 218), § 248-21-001, filed 11/6/81.] Repealed by 97-03-080, filed 1/15/97, effective 2/15/97. Statutory Authority: RCW 43.70.040.
- 246-321-010 Definitions. [Statutory Authority: RCW 43.70.040. 92-02-018 (Order 224), § 246-321-010, filed 12/23/91, effective 1/23/92; 91-02-049 (Order 121), recodified as § 246-321-010, filed 12/27/90, effective 1/31/91. Statutory Authority: 1985 c 213. 86-08-002 (Order 2348), § 248-21-002, filed 3/20/86. Statutory Authority: RCW 43.20.050. 81-23-003 (Order 218), § 248-21-002, filed 11/6/81.] Repealed by 97-03-080, filed 1/15/97, effective 2/15/97. Statutory Authority: RCW 43.70.040.
- 246-321-012 Licensure—Notice of decision—Adjudicative proceeding. [Statutory Authority: RCW 43.70.040 and 34.05.220. 92-02-018 (Order 224), § 246-321-012, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-321-012, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.20.050 and chapter 34.05 RCW. 90-05-038 (Order 034), § 248-21-005, filed 2/14/90, effective 3/17/90. Statutory Authority: 43.20.050. 81-23-003 (Order 218), § 248-21-005, filed 11/6/81.] Repealed by 97-03-080, filed 1/15/97, effective 2/15/97. Statutory Authority: RCW 43.70.040.
- 246-321-014 Governing body and administration. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as §

- 246-321-014, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.20.050. 81-23-003 (Order 218), § 248-21-010, filed 11/6/81.] Repealed by 97-03-080, filed 1/15/97, effective 2/15/97. Statutory Authority: RCW 43.70.040.
- 246-321-015 Staff—Personnel—Volunteers. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-321-015, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.20.050. 81-23-003 (Order 218), § 248-21-015, filed 11/6/81.] Repealed by 97-03-080, filed 1/15/97, effective 2/15/97. Statutory Authority: RCW 43.70.040.
- 246-321-017 HIV/AIDS education and training. [Statutory Authority: RCW 43.70.040 and 70.24.310. 92-02-018 (Order 224), § 246-321-017, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-321-017, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.24.310. 89-21-038 (Order 3), § 248-21-017, filed 10/12/89, effective 11/12/89.] Repealed by 97-03-080, filed 1/15/97, effective 2/15/97. Statutory Authority: RCW 43.70.040.
- 246-321-018 Criminal history, disclosure, and background inquiries. [Statutory Authority: RCW 43.43.830 through 43.43.842. 93-16-030 (Order 381), § 246-321-018, filed 7/26/93, effective 8/26/93.] Repealed by 97-03-080, filed 1/15/97, effective 2/15/97. Statutory Authority: RCW 43.70.040.
- 246-321-020 Policies and procedures. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-321-020, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.20.050. 81-23-003 (Order 218), § 248-21-020, filed 11/6/81.] Repealed by 97-03-080, filed 1/15/97, effective 2/15/97. Statutory Authority: RCW 43.70.040.
- 246-321-025 Patient care services. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-321-025, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.20.050. 81-23-003 (Order 218), § 248-21-025, filed 11/6/81.] Repealed by 97-03-080, filed 1/15/97, effective 2/15/97. Statutory Authority: RCW 43.70.040.
- 246-321-030 Food and dietary services. [Statutory Authority: RCW 43.70.040. 92-02-018 (Order 224), § 246-321-030, filed 12/23/91, effective 1/23/92; 91-02-049 (Order 121), recodified as § 246-321-030, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.20.050. 81-23-003 (Order 218), § 248-21-030, filed 11/6/81.] Repealed by 97-03-080, filed 1/15/97, effective 2/15/97. Statutory Authority: RCW 43.70.040.
- 246-321-035 Infection control. [Statutory Authority: RCW 43.70.040. 92-02-018 (Order 224), § 246-321-035, filed 12/23/91, effective 1/23/92; 91-02-049 (Order 121), recodified as § 246-321-035, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.41.30 [70.41.030] and 43.20.050. 83-07-015 (Order 254), § 248-21-035, filed 3/10/83. Statutory Authority: RCW 43.20.050. 81-23-003 (Order 218), § 248-21-035, filed 11/6/81.] Repealed by 97-03-080, filed 1/15/97, effective 2/15/97. Statutory Authority: RCW 43.70.040.
- 246-321-040 Pharmaceutical service. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-321-040, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.20.050. 81-23-003 (Order 218), § 248-21-040, filed 11/6/81.] Repealed by 97-03-080, filed 1/15/97, effective 2/15/97. Statutory Authority: RCW 43.70.040.
- 246-321-045 Clinical records. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-321-045, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.20.050. 81-23-003 (Order 218), § 248-21-045, filed 11/6/81.] Repealed by 97-03-080, filed 1/15/97, effective 2/15/97. Statutory Authority: RCW 43.70.040.
- 246-321-050 Physical environment and equipment. [Statutory Authority: RCW 43.70.040. 92-02-018 (Order 224), § 246-321-050, filed 12/23/91, effective 1/23/92; 91-02-049 (Order 121), recodified as § 246-321-050, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.20.050. 81-23-003 (Order 218), § 248-21-050, filed 11/6/81.] Repealed by 97-03-080, filed 1/15/97, effective 2/15/97. Statutory Authority: RCW 43.70.040.
- 246-321-055 Nonflammable medical gases—Respiratory care. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-321-055, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.20.050. 81-23-003 (Order 218), § 248-21-055, filed 11/6/81.] Repealed by 97-03-080, filed 1/15/97, effective 2/15/97. Statutory Authority: RCW 43.70.040.
- 246-321-990 Fees. [Statutory Authority: RCW 43.70.040. 91-02-050 (Order 122), § 246-321-990, filed 12/27/90, effective 1/31/91.] Repealed by 97-03-080, filed 1/15/97, effective 2/15/97. Statutory Authority: RCW 43.70.040.

WAC 246-321-001 through 246-321-990 Repealed.
See Disposition Table at beginning of this chapter.

Chapter 246-322 WAC

PRIVATE PSYCHIATRIC AND ALCOHOLISM HOSPITALS

WAC

246-322-001 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-322-001 Purpose and scope. [Statutory Authority: Chapter 71.12 RCW and RCW 43.60.040. 95-22-012, § 246-322-001, filed 10/20/95, effective 11/20/95.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

WAC 246-322-001 Repealed. See Disposition Table at beginning of this chapter.

Chapter 246-324 WAC

PRIVATE ALCOHOL AND CHEMICAL DEPENDENCY HOSPITALS

WAC

246-324-001 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-324-001 Purpose and scope. [Statutory Authority: Chapter 71.12 RCW and RCW 43.60.040. 95-22-013, § 246-324-001, filed 10/20/95, effective 11/20/95.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

WAC 246-324-001 Repealed. See Disposition Table at beginning of this chapter.

Chapter 246-325 WAC

ADULT RESIDENTIAL REHABILITATION CENTERS AND PRIVATE ADULT TREATMENT HOMES

WAC

246-325-001 Repealed.

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

246-325-001 Purpose. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-325-001, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 71.12 RCW. 88-17-022 (Order 2668), § 248-25-001, filed 8/9/88; 82-17-009 (Order 1858), § 248-25-001, filed 8/6/82.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

WAC 246-325-001 Repealed. See Disposition Table at beginning of this chapter.

Chapter 246-326 WAC**ALCOHOLISM TREATMENT FACILITIES****WAC**

246-326-001 Repealed.

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

246-326-001 Purpose. [Statutory Authority: RCW 43.70.040 and chapter 71.12 RCW. 92-02-018 (Order 224), § 246-326-001, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-326-001, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 71.12 RCW. 84-17-010 (Order 2130), § 248-26-001, filed 8/3/84. Formerly WAC 248-22-500.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

WAC 246-326-001 Repealed. See Disposition Table at beginning of this chapter.

Chapter 246-327 WAC**HOME HEALTH AGENCIES****WAC**

246-327-001 Repealed.
246-327-990 Fees.

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

246-327-001 Scope and purpose. [Statutory Authority: RCW 70.127.120. 94-17-136, § 246-327-001, filed 8/22/94, effective 9/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-327-001, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.126.040. 89-12-077 (Order 2790), § 248-27-005, filed 6/7/89.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

WAC 246-327-001 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-327-990 Fees. (1) A licensee or applicant shall submit to the department:

(a) A biennial renewal fee based on the number of full-time equivalents (FTEs), which is a measurement based on a forty-hour week and is applicable to paid agency personnel or contractors, as follows:

- (i) A base fee of four hundred twelve dollars; and
- (ii) For agencies with:

(A) Fifteen or less FTEs, eight hundred fifty-nine dollars;

(B) Sixteen through fifty FTEs, one thousand thirty-four dollars; or

(C) Fifty-one or more FTEs, one thousand four hundred eleven dollars;

(b) An initial twelve-month license fee for new firms, businesses not currently licensed to provide home health care in Washington state, or currently licensed businesses which have had statement of charges filed against them as follows:

- (i) A base fee of two hundred six dollars; and
- (ii) For agencies with:

(A) Fifteen or less FTEs, four hundred twenty-nine dollars;

(B) Sixteen through fifty FTEs, five hundred sixteen dollars;

(C) Fifty-one or more FTEs, seven hundred five dollars; and

(c) A transfer of ownership fee of fifty dollars. A transferred license will be valid for the remainder of the current license period.

(2) An applicant or licensee shall pay one-half the base fee in addition to the full fee for FTEs for each additional hospice and/or home care license.

(3) The department may charge and collect from a licensee a fee of two hundred six dollars for:

(a) A second on-site visit resulting from failure of the licensee or applicant to adequately respond to a statement of deficiencies;

(b) A complete on-site survey resulting from a substantiated complaint; or

(c) A follow-up compliance survey.

(4) A licensee with deemed status shall pay fees according to this section.

(5) A licensee shall submit an additional late fee in the amount of ten dollars per day, not to exceed cost of the base fee, from the renewal date until the date of mailing the fee, as evidenced by the postmark.

[Statutory Authority: RCW 43.70.110, 43.70.250 and 70.127.090. 97-15-096, § 246-327-990, filed 7/21/97, effective 8/21/97. Statutory Authority: RCW 43.70.110 and 43.70.250. 96-12-026, § 246-327-990, filed 5/30/96, effective 6/30/96. Statutory Authority: RCW 43.70.250, 43.70.110 and 43.20B.020. 95-12-097, § 246-327-990, filed 6/7/95, effective 7/8/95. Statutory Authority: RCW 70.127.120. 94-17-136, § 246-327-990, filed 8/22/94, effective 9/22/94. Statutory Authority: RCW 70.127.120 and 70.127.090. 93-21-034, § 246-327-990, filed 10/15/93, effective 10/28/93. Statutory Authority: RCW 43.70.250. 92-15-084 (Order 288), § 246-327-990, filed 7/16/92, effective 8/16/92. Statutory Authority: RCW 43.70.040. 91-02-050 (Order 122), § 246-327-990, filed 12/27/90, effective 1/31/91.]

Chapter 246-328 WAC**ADULT FAMILY HOME RESIDENT MANAGERS
AND PROVIDERS****WAC**

246-328-150 Repealed.

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

246-328-150 Responsibility for maintaining mailing address on file with the department. [Statutory Authority: Chapter 18.48 RCW. 96-14-070, § 246-328-150, filed 6/28/96, effective

7/1/96.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

WAC 246-328-150 Repealed. See Disposition Table at beginning of this chapter.

Chapter 246-329 WAC CHILDBIRTH CENTERS

WAC
246-329-001 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-329-001 Purpose. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-329-001, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.46.060. 86-04-031 (Order 2338), § 248-29-001, filed 1/29/86. Statutory Authority: RCW 43.20.050. 80-05-099 (Order 197), § 248-29-001, filed 5/2/80.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

WAC 246-329-001 Repealed. See Disposition Table at beginning of this chapter.

Chapter 246-331 WAC HOSPICE AGENCIES

WAC
246-331-001 Repealed.
246-331-990 Fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-331-001 Purpose and scope. [Statutory Authority: RCW 70.127.120. 94-17-138, § 246-331-001, filed 8/22/94, effective 9/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-331-001, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.126.040. 89-12-077 (Order 2790), § 248-31-005, filed 6/7/89.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

WAC 246-331-001 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-331-990 Fees. (1) A licensee or applicant shall submit to the department:

(a) A biennial renewal fee based on the number of full-time equivalents (FTEs), which is a measurement based on a forty-hour week and is applicable to paid agency personnel or contractors, as follows:

(i) A base fee of four hundred twelve dollars; and

(ii) For agencies with:

(A) Fifteen or less FTEs, two hundred eighteen dollars;

(B) Sixteen through fifty FTEs, five hundred twenty-five dollars; or

(C) Fifty-one or more FTEs, one thousand eighty-nine dollars;

(b) An initial twelve-month license fee for new firms, businesses not currently licensed to provide hospice care in

Washington state, or currently licensed businesses which have had statement of charges filed against them as follows:

(i) A base fee of two hundred six dollars; and

(ii) For agencies with:

(A) Fifteen or less FTEs, one hundred nine dollars;

(B) Sixteen through fifty FTEs, two hundred sixty-two dollars;

(C) Fifty-one or more FTEs, five hundred forty-three dollars; and

(c) A transfer of ownership fee of fifty dollars. A transferred license will be valid for the remainder of the current license period.

(2) An applicant or licensee shall pay one-half the base fee in addition to the full fee for FTEs for each additional home health and/or home care license.

(3) The department may charge and collect from a licensee a fee of two hundred six dollars for:

(a) A second on-site visit resulting from failure of the licensee or applicant to adequately respond to a statement of deficiencies;

(b) A complete on-site survey resulting from a substantiated complaint; or

(c) A follow-up compliance survey.

(4) A licensee with deemed status shall pay fees according to this section.

(5) A licensee shall submit an additional late fee in the amount of ten dollars per day, not to exceed the cost of the base fee, from the renewal date until the date of mailing the fee, as evidenced by the postmark.

[Statutory Authority: RCW 43.70.110, 43.70.250 and 70.127.090. 97-15-096, § 246-331-990, filed 7/21/97, effective 8/21/97. Statutory Authority: RCW 43.70.110 and 43.70.250. 96-12-025, § 246-331-990, filed 5/30/96, effective 6/30/96. Statutory Authority: RCW 43.70.250, 43.70.110 and 43.20B.020. 95-12-097, § 246-331-990, filed 6/7/95, effective 7/8/95. Statutory Authority: RCW 70.127.120. 94-17-138, § 246-331-990, filed 8/22/94, effective 9/22/94. Statutory Authority: RCW 70.127.120 and 70.127.090. 93-21-034, § 246-331-990, filed 10/15/93, effective 10/28/93. Statutory Authority: RCW 43.70.250. 92-15-084 (Order 288), § 246-331-990, filed 7/16/92, effective 8/16/92. Statutory Authority: RCW 43.70.040. 91-02-050 (Order 122), § 246-331-990, filed 12/27/90, effective 1/31/91.]

Chapter 246-336 WAC HOME CARE AGENCY RULES

WAC
246-336-001 Repealed.
246-336-990 Fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-336-001 Purpose and scope. [Statutory Authority: RCW 70.127.120. 94-17-137, § 246-336-001, filed 8/22/94, effective 9/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-336-001, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.126.040. 89-12-077 (Order 2790), § 248-36-005, filed 6/7/89.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

WAC 246-336-001 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-336-990 Fees. (1) A licensee or applicant shall submit to the department:

(a) A biennial renewal fee based on the number of full-time equivalents (FTEs), which is a measurement based on a forty-hour week and is applicable to paid agency personnel or contractors, as follows:

- (i) A base fee of two hundred seventy-four dollars; and
- (ii) For agencies with:

- (A) Fifteen or less FTEs, one hundred forty-five dollars;
- (B) Sixteen through fifty FTEs, one hundred seventy-five dollars; or

(C) Fifty-one or more FTEs, two hundred fifty-one dollars;

(b) An initial twelve-month license fee for new firms, businesses not currently licensed to provide home care in Washington state, or currently licensed businesses which have had statement of charges filed against them as follows:

- (i) A base fee of two hundred six dollars; and
- (ii) For agencies with:

- (A) Fifteen or less FTEs, one hundred nine dollars;

(B) Sixteen through fifty FTEs, one hundred thirty-two dollars;

(C) Fifty-one or more FTEs, one hundred ninety-two dollars; and

(c) A transfer of ownership fee of fifty dollars. A transferred license will be valid for the remainder of the current license period.

(2) An applicant or licensee shall pay one-half the base fee in addition to the full fee for FTEs for each additional home health and/or hospice license.

(3) The department may charge and collect from a licensee a fee of one hundred ninety-six dollars for:

(a) A second on-site visit resulting from failure of the licensee or applicant to adequately respond to a statement of deficiencies; and

(b) A complete on-site survey resulting from a substantiated complaint; or

(c) A follow-up compliance survey.

(4) A licensee with deemed status shall pay fees according to this section.

(5) A licensee shall submit an additional late fee in the amount of ten dollars per day, not to exceed the cost of the base fee, from the renewal date until the date of mailing the fee, as evidenced by the postmark.

[Statutory Authority: RCW 43.70.110, 43.70.250 and 70.127.090. 97-15-096, § 246-336-990, filed 7/21/97, effective 8/21/97. Statutory Authority: RCW 43.70.110 and 43.70.250. 96-12-028, § 246-336-990, filed 5/30/96, effective 6/30/96. Statutory Authority: RCW 43.70.250, 43.70.110 and 43.20B.020. 95-12-097, § 246-336-990, filed 6/7/95, effective 7/8/95. Statutory Authority: RCW 70.127.120. 94-17-137, § 246-336-990, filed 8/22/94, effective 9/22/94. Statutory Authority: RCW 70.127.120 and 70.127.090. 93-21-034, § 246-336-990, filed 10/15/93, effective 10/28/93. Statutory Authority: RCW 43.70.250. 92-15-084 (Order 288), § 246-336-990, filed 7/16/92, effective 8/16/92. Statutory Authority: RCW 43.70.040. 91-02-050 (Order 122), § 246-336-990, filed 12/27/90, effective 1/31/91.]

Chapter 246-338 WAC

MEDICAL TEST SITE RULES

WAC

246-338-020	Licensure of the medical test sites.
246-338-030	Waiver from licensure of medical test sites.
246-338-060	Personnel.

246-338-070	Recordkeeping.
246-338-090	Quality control.
246-338-100	Disciplinary action.

WAC 246-338-020 Licensure of the medical test sites. (1) After July 1, 1990, no person shall advertise, operate, manage, own, conduct, open, or maintain a medical test site without first obtaining from the department, a license or a certificate of waiver as described under chapter 70.42 RCW and this chapter.

(2) Applicants requesting a medical test site license or renewal shall:

(a) Submit a completed application and fee for the appropriate category of license to the department on forms furnished by the department, including signature of the owner;

(b) Submit a completed application and fee for provider-performed microscopic procedures if the medical test site:

(i) Restricts its testing performance to waived tests as listed under WAC 246-338-030(11) and one or more of the tests listed in this section, unless specifically allowed or disallowed under federal law and regulation:

(A) Wet mounts, including, but not limited to, preparations of vaginal, cervical or skin specimens;

(B) Potassium hydroxide (KOH) preparations;

(C) Pinworm examinations;

(D) Fern tests;

(E) Post-coital direct, qualitative examinations of vaginal or cervical mucous;

(F) Urine sediment examinations;

(G) Nasal smears for eosinophils;

(H) Post vasectomy qualitative semen analysis; and

(I) Any other tests specifically categorized under federal law and regulation as provider-performed microscopic procedures; and

(ii) Meets the requirements of this chapter for personnel, recordkeeping, quality control, quality assurance and, if applicable, proficiency testing;

(c) File a separate application for each facility except under the following conditions:

(i) If the medical test site is not at a fixed location and moves from testing site to testing site, or uses a temporary testing location such as a health fair, the medical test site may apply for a single license for the home base location;

(ii) If the medical test site is a not-for-profit or state or local government laboratory that engages in limited public health testing at different locations, the owner may file an application for a single license;

(d) Furnish full and complete information to the department in writing, as required for proper administration of rules implementing chapter 70.42 RCW including:

(i) Name, address, and phone number of the medical test site;

(ii) Name, address, and phone number of the owner of the medical test site;

(iii) Number and types of tests performed, planned, or projected;

(iv) Names and qualifications including educational background, training, and experience of the designated test site supervisor;

(v) Names and qualifications including educational background, training, and experience of technical personnel,

if requested by the department, in order to determine consistency with federal law and regulation;

(vi) Name of proficiency testing program or programs used by the medical test site and a copy of the enrollment form for initial application;

(vii) Other information as required to implement chapter 70.42 RCW; and

(viii) Methodologies for tests performed, when the department determines the information is necessary, consistent with federal law and regulation.

(e) Submit to inspections by the Health Care Financing Administration (HCFA) or HCFA agents as a condition of licensure or approval, for the purpose of validation or in response to a complaint against the medical test site; and

(f) Authorize the department to release to HCFA or HCFA agents all records and information requested by HCFA;

(3) The owner or applicant shall submit an application and fee to the department thirty days prior to the expiration date of the current license.

(4) The department shall:

(a) Issue or renew a license for the medical test site, valid for two years, when the applicant or owner meets the requirements of chapter 70.42 RCW and this chapter, subject to subsection (7) of this section;

(b) Terminate a provisional license, at the time a two-year license for the medical test site is issued;

(c) Establish fees to be paid under WAC 246-338-990;

(d) Prohibit transfer or reassignment of a license without thirty days prior written notice to the department and the department's approval;

(e) Examine records of the medical test site, if the department believes a person is conducting tests without an appropriate license;

(f) Give written notice of any violations to the medical test site, including a statement of deficiencies observed and requirements to:

(i) Present a written plan of correction to the department within fourteen days following the date of postmark; and

(ii) Comply within a specified time, not to exceed sixty days, after department approval of a written plan of correction;

(g) Allow the owner a reasonable period of time, not to exceed sixty days, to correct a deficiency unless the deficiency is an immediate threat to life, health, or safety.

(5) The department shall also issue a license for a medical test site if the medical test site:

(a) Is accredited, certified, or licensed by an accreditation body under WAC 246-338-040; and

(b) Submits to the department:

(i) Information defined under subsection (2)(a) and (d) of this section;

(ii) Proof of accreditation, certification or licensure by an accreditation body within eleven months of issuance of the medical test site license; and

(c) Authorizes the accrediting body to submit, upon request from the department:

(i) On-site inspection results;

(ii) Statement of deficiencies;

(iii) Plan of correction for the deficiencies cited;

(iv) Any disciplinary action and results of any disciplinary action taken by the accreditation body against the medical test site; and

(v) Any records or other information about the medical test site required for the department to determine whether or not standards are consistent with chapter 70.42 RCW and this chapter.

(6) The department shall require the owner of a medical test site to reapply for a medical test site license if:

(a) Proof of accreditation is not supplied to the department within eleven months of issuance of the medical test site license; or

(b) The medical test site has its accreditation denied or terminated by the accreditation body.

(7) The department may:

(a) Issue, to a medical test site applying for licensure for the first time a provisional license valid for a period of time not to exceed two years from date of issue;

(b) Conduct on-site review of a medical test site at any time to determine compliance with chapter 70.42 RCW and this chapter; and

(c) Initiate disciplinary action, as described under chapter 70.42 RCW and this chapter, if the owner or applicant fails to comply with chapter 70.42 RCW and this chapter, consistent with chapter 34.05 RCW, Administrative Procedure Act.

(8) The department may extend a license for a period not to exceed six months beyond the expiration date of the license.

(9) The owner shall notify the department, in writing, at least thirty days prior to the date of a proposed change of ownership and provide the following information:

(a) Full name, address, and location of the current owner and prospective new owner, if known;

(b) Name and address of the medical test site and the new name of the medical test site, if known;

(c) Changes in technical personnel and supervisors, if known; and

(d) The date of the proposed change of ownership.

(10) The prospective new owner shall submit the information required under subsection (2)(a) and (d) of this section, at least thirty days prior to the change of ownership.

(11) The owner shall inform the department within thirty days, in writing, of:

(a) The date of opening or closing the medical test site; and

(b) Any changes in:

(i) Name;

(ii) Location; or

(iii) Designated test site supervisor.

(12) The owner shall inform the department within six months, in writing, of any changes in:

(a) Tests, specialties and subspecialties; and

(b) Test methodology.

[Statutory Authority: RCW 70.42.005. 97-14-113, § 246-338-020, filed 7/2/97, effective 8/2/97. Statutory Authority: Chapter 70.42 RCW. 94-17-099, § 246-338-020, filed 8/17/94, effective 9/17/94; 93-18-091 (Order 390), § 246-338-020, filed 9/1/93, effective 10/2/93; 91-21-062 (Order 205), § 246-338-020, filed 10/16/91, effective 10/16/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-338-020, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.42 RCW. 90-20-017 (Order 090), § 248-38-020, filed 9/21/90, effective 10/22/90.]

WAC 246-338-030 Waiver from licensure of medical test sites. (1) The department shall grant a certificate of waiver to a medical test site performing only the tests listed under this section.

(2) Applicants requesting a certificate of waiver or renewal shall:

(a) Submit a completed application and fee for initial certificate of waiver or renewal to the department on forms furnished by the department, including signature of the owner;

(b) File a separate application for each facility except under the following conditions:

(i) If the medical test site is not at a fixed location and moves from testing site to testing site, or uses a temporary testing location such as a health fair, the medical test site may apply for a single certificate of waiver for the home base location;

(ii) If the medical test site is a not-for-profit or state or local government laboratory that performs, at different locations, only those tests listed in subsection (11) of this section, the owner may file an application for a single certificate of waiver;

(c) Furnish full and complete information to the department in writing, as required for proper administration of rules to implement chapter 70.42 RCW including:

(i) Name, address, and phone number of the medical test site;

(ii) Name, address, and phone number of the owner of the medical test site;

(iii) Number and types of tests performed, planned or projected;

(iv) Names and qualifications including educational background, training and experience of the personnel directing and supervising the medical test site;

(v) Names and qualifications including educational background, training, and experience of personnel performing the test procedures, if requested by the department, in order to determine consistency with federal law and regulation;

(vi) Other information as required to implement chapter 70.42 RCW; and

(vii) Methodologies for tests performed, when the department determines the information is necessary consistent with federal law and regulation.

(3) The owner or applicant shall submit an application and fee to the department thirty days prior to the expiration date of the current certificate of waiver.

(4) The department shall:

(a) Grant a certificate of waiver or renewal of a certificate of waiver for the medical test site valid for two years when the applicant or owner meets the requirements of chapter 70.42 RCW and this chapter, subject to subsection (6) of this section;

(b) Establish fees to be paid under WAC 246-338-990; and

(c) Prohibit transfer or reassignment of a certificate of waiver without thirty days prior written notice to the department and the department's approval.

(5) The department may extend a certificate of waiver for a period not to exceed six months beyond the expiration

date of the certificate of waiver.

(6) If the department has reason to believe a waived site is conducting tests requiring a license, the department shall:

(a) Conduct on-site reviews of the medical test site;

(b) Examine records of the medical test site;

(c) Give written notice of any violations to the medical test site, including a statement of deficiencies observed and requirements to:

(i) Present a written plan of correction to the department within fourteen days following the date of postmark; and

(ii) Comply within a specified time not to exceed sixty days after department approval of a written plan of correction;

(d) Allow the owner a reasonable period of time, not to exceed sixty days, to correct a deficiency unless the deficiency is an immediate threat to life, health, or safety.

(7) The department may:

(a) Conduct on-site review of a medical test site at any time to determine compliance with chapter 70.42 RCW and this chapter; and

(b) Initiate disciplinary action, as described under chapter 70.42 RCW and this chapter, if the owner or applicant fails to comply with chapter 70.42 RCW and this chapter, consistent with chapter 34.05 RCW, Administrative Procedure Act.

(8) The owner shall notify the department, in writing, at least thirty days prior to the date of a proposed change of ownership and provide the following information:

(a) Full name, address, and location of the current owner and prospective new owner, if known;

(b) Name and address of the medical test site and the new name of the medical test site, if known;

(c) Changes in personnel directing the medical test site, if known; and

(d) The date of the proposed change of ownership.

(9) The prospective new owner shall submit the information required under subsection (2)(a) and (c) of this section, at least thirty days prior to the change of ownership.

(10) The owner shall inform the department within thirty days, in writing, of:

(a) The date of opening or closing the medical test site; and

(b) Any changes in:

(i) Name;

(ii) Location; or

(iii) Personnel directing the medical test site.

(11) The department shall grant a certificate of waiver if the medical test site performs only the tests listed in this section and no other tests unless specifically allowed or disallowed under federal law and regulation, and follows manufacturer's instructions for performing the tests:

(a) Dipstick or tablet reagent urinalysis;

(b) Fecal and gastric occult blood;

(c) Ovulation tests-visual color comparison tests for human luteinizing hormone;

(d) Urine pregnancy tests-visual color comparison tests;

(e) Erythrocyte sedimentation rate-nonautomated;

(f) Hemoglobin-copper sulfate-nonautomated;

(g) Hemoglobin by single instrument with self-contained or component features to perform specimen/reagent interac-

tion, providing direct measurement and readout using the Hemocue test system;

(h) Blood glucose by glucose monitoring devices cleared by the FDA specifically for home use;

(i) Blood glucose using the Hemocue B-Glucose Photometer;

(j) Spun microhematocrit;

(k) Wampole STAT-CRIT hematocrit test;

(l) Accu-check InstantPlus cholesterol test system;

(m) Advanced Care cholesterol measuring system;

(n) Cholestech LDX test system for the measurement of total cholesterol, HDL cholesterol, triglyceride, and glucose;

(o) Chemtrak Accumeter cholesterol test system;

(p) Quidel QuickVue In-Line One-Step Strep A test;

(q) Binax NOW Strep A test;

(r) Quidel QuickVue One-Step H.pylori test for whole blood;

(s) Serim Pyloritek test for presumptive identification of H.pylori in gastric biopsy tissue; and

(t) Delta West CLOtest for presumptive identification of H.pylori in gastric biopsy tissue.

(12) The department will make additions or deletions to the list of waived tests under subsection (11) of this section, by rule, consistent with federal law and regulation.

(13) If the medical test site adds tests not included under subsection (11) of this section, the owner shall apply for licensure as defined under chapter 70.42 RCW and WAC 246-338-020.

[Statutory Authority: RCW 70.42.005. 97-14-113, § 246-338-030, filed 7/2/97, effective 8/2/97. Statutory Authority: Chapter 70.42 RCW. 94-17-099, § 246-338-030, filed 8/17/94, effective 9/17/94; 93-18-091 (Order 390), § 246-338-030, filed 9/1/93, effective 10/2/93; 91-21-062 (Order 205), § 246-338-030, filed 10/16/91, effective 10/16/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-338-030, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.42 RCW. 90-20-017 (Order 090), § 248-38-030, filed 9/21/90, effective 10/22/90.]

WAC 246-338-060 Personnel. (1) Owners shall ensure medical test sites:

(a) Have a designated test site supervisor responsible for:

(i) The overall technical supervision and management of the test site personnel; and

(ii) Performing and reporting of testing procedures;

(b) Have technical personnel, competent to perform tests and report test results; and

(c) Meet the standards for personnel qualifications and responsibilities in compliance with federal regulation, as listed in 42 CFR Part 493 Subpart M-Personnel for Moderate and High Complexity Testing, with the following exception:

A person that achieved a satisfactory grade through an examination conducted by or under the sponsorship of the United States Public Health Service for director, on or before July 1, 1970, would qualify as a director, technical supervisor, technical consultant, general supervisor and testing personnel for the specialties in which a satisfactory grade was achieved for moderate and high complexity testing.

(2) The department, upon request, shall furnish 42 CFR Part 493 Subpart M.

(3) Owners of medical test sites shall establish, post and observe safety precautions to ensure protection from physi-

cal, chemical, biochemical and electrical hazards and biohazardous materials.

(4) Designated test site supervisors shall:

(a) Establish and approve policies for:

(i) Performing, recording, and reporting of tests;

(ii) Maintaining an ongoing quality assurance program;

(iii) Supervision of testing; and

(iv) Compliance with chapter 70.42 RCW and this chapter;

(b) Evaluate, verify, and document the following related to technical personnel:

(i) Education, experience, and training in test performance and reporting tests results;

(ii) Sufficient numbers to cover the scope and complexity of the services provided;

(iii) Access to training appropriate for the type and complexity of the test site services offered; and

(iv) Maintenance of competency to perform test procedures and report test results;

(c) Be present, on call, or delegate the duties of the designated test site supervisor to an on-site technical person during testing.

[Statutory Authority: RCW 70.42.005. 97-14-113, § 246-338-060, filed 7/2/97, effective 8/2/97. Statutory Authority: Chapter 70.42 RCW. 93-18-091 (Order 390), § 246-338-060, filed 9/1/93, effective 10/2/93; 91-21-062 (Order 205), § 246-338-060, filed 10/16/91, effective 10/16/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-338-060, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.42 RCW. 90-20-017 (Order 090), § 248-38-060, filed 9/21/90, effective 10/22/90.]

WAC 246-338-070 Recordkeeping. The medical test site shall:

(1) Unless specified otherwise in subsection (2)(a), (b), and (c) of this section, maintain for two years:

(a) Test requisitions or equivalent;

(b) Test records;

(c) Test reports;

(d) Quality control records;

(e) Quality assurance records; and

(f) Discontinued procedures.

(2) Maintain:

(a) The items listed in subsection (1)(a), (b), (c), (d), and (e) of this section for transfusion services for five years;

(b) Abnormal cytology and all histology reports for ten years; and

(c) Normal cytology reports for ten years.

(3) Request the following written information to accompany a test requisition:

(a) Patient's name or other method of specimen identification;

(b) Name or other suitable identifier of the authorized person ordering the test;

(c) Date of specimen collection, and time if appropriate;

(d) Source of specimen, if appropriate;

(e) Type of test ordered;

(f) Sex and age of the patient, if appropriate; and

(g) For cytology and histology specimens:

(i) Pertinent clinical information; and

(ii) For pap smears:

(A) The last menstrual period; and

(B) Indication whether the patient has history of cervical cancer or its precursors.

(4) Assure specimen records include:

- (a) A medical test site identification;
 - (b) The patient's name or other method of specimen identification;
 - (c) The date the specimen was received at the medical test site, and time if appropriate;
 - (d) The reason for specimen rejection or limitation;
 - (e) The date of specimen testing; and
 - (f) The identification of the personnel who performed the test.
- (5) Assure that test reports:
- (a) Are maintained in a manner permitting identification and reasonable accessibility;
 - (b) Are released only to authorized persons or designees;
 - (c) Include the name of the medical test site, or where applicable, the name and address of each medical test site performing each test;
 - (d) Include the date reported;
 - (e) Include the time reported, if appropriate;
 - (f) Include any information regarding specimen rejection or limitation;
 - (g) Include the test performed, test result, and units of measurement, if applicable; and
 - (h) Include the exact language of the report from the testing facility, if the specimen was referred to another medical test site for testing.
- (6) Assure cytology reports:
- (a) Distinguish between unsatisfactory specimen and negative results; and
 - (b) Contain narrative descriptions for any abnormal results, such as the Bethesda system of terminology as published in the Journal of the American Medical Association, 1989, Volume 262, pages 931-934, for any abnormal results.
- (7) Establish and make available for use by authorized persons ordering or utilizing the test results:
- (a) Reference ranges; and
 - (b) A list of test methods, including performance specifications.
- (8) Issue corrected reports when indicated.
- (9) Establish criteria for and maintain appropriate documentation of:
- (a) Temperature-controlled spaces and equipment;
 - (b) Preventive maintenance activities;
 - (c) Equipment function checks;
 - (d) Procedure calibrations;
 - (e) Validation, precision, and accuracy checks;
 - (f) Expiration date, lot numbers, and other pertinent information for:
 - (i) Reagents;
 - (ii) Solutions;
 - (iii) Culture media;
 - (iv) Controls, as defined in WAC 246-338-090;
 - (v) Calibrators, as defined in WAC 246-338-090;
 - (vi) Standards, as defined in WAC 246-338-090;
 - (vii) Reference materials, as defined in WAC 246-338-090; and
 - (viii) Other testing materials;
 - (g) Testing of quality control samples; and

(h) Any remedial action taken in response to quality control, quality assurance, personnel, and proficiency testing.

(10) Refer specimens for testing only to a medical test site with a valid license, or to an interstate laboratory with a valid CLIA certificate.

(11) Maintain, or be able to reproduce, a copy of the report for all specimens that are referred for testing.

[Statutory Authority: RCW 70.42.005. 97-14-113, § 246-338-070, filed 7/2/97, effective 8/2/97. Statutory Authority: Chapter 70.42 RCW. 93-18-091 (Order 390), § 246-338-070, filed 9/1/93, effective 10/2/93; 91-21-062 (Order 205), § 246-338-070, filed 10/16/91, effective 10/16/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-338-070, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.42 RCW. 90-20-017 (Order 090), § 248-38-070, filed 9/21/90, effective 10/22/90.]

WAC 246-338-090 Quality control. (1) For the purpose of this section, the following words and phrases have the following meanings, unless the context clearly indicates another meaning:

(a) "ABO, A, A₁, B, O, anti-A, anti-B, anti-D, anti Rh₀, Rh₀ (D), HLA, HLA-A, B, and DR" means taxonomy classifications for blood groups, types, cells, sera, or antisera;

(b) "Calibrator" means a material, solution, or lyophilized preparation designed to be used in calibration. The values or concentrations of the analytes of interest in the calibration material are known within limits ascertained during its preparation or before use;

(c) "Control" means a material, solution, lyophilized preparation, or pool of collected serum designed to be used in the process of quality control. The concentrations of the analytes of interest in the control material are known within limits ascertained during its preparation or before routine use;

(d) "Control slide" means a preparation fixed on a glass slide used in the process of quality control;

(e) "Reference material" means a material or substance, calibrator, control or standard where one or more properties are sufficiently well established for use in calibrating a process or for use in quality control;

(f) "Standard" means a reference material of fixed and known chemical composition capable of being prepared in essentially pure form, or any certified reference material generally accepted or officially recognized as the unique standard for the assay regardless of level or purity of the analyte content.

(2) The medical test site shall use quality control procedures providing and assuring accurate and reliable test results and reports, meeting the requirements of this chapter.

(3) The medical test site shall have written procedures and policies available in the work area including:

- (a) Analytical methods used by the technical personnel;
- (b) Specimen collection and processing procedures;
- (c) Preparation of solutions, reagents, and stains;
- (d) Calibration procedures;
- (e) Proper maintenance of equipment;
- (f) Quality assurance policies;
- (g) Quality control procedures;
- (h) Corrective actions when quality control results deviate from expected values or patterns;
- (i) Procedures for reporting test results;
- (j) Limitations of methodologies; and

(k) Alternative or backup methods for performing tests including the use of a reference facility if applicable.

(4) The medical test site shall perform quality control complying with the requirements of this section for each specialty and subspecialty as follows:

(a) At least as frequently as specified in this section;

(b) More frequently if recommended by the manufacturer of the instrument or test procedure; or

(c) More frequently if specified by the medical test site

(5) The medical test site shall:

(a) Perform procedural calibration or recalibration, in accordance with manufacturer's instructions:

(i) When recommended by the manufacturer or specified by the medical test site's established schedule, with at least the frequency recommended by the manufacturer; and

(ii) When calibration fails to meet the medical test site's acceptable limits;

(b) Perform calibration verification using materials appropriate for verifying the minimal, mid-point and maximum points of the reportable range, unless the medical test site can demonstrate an alternative method of assuring the accuracy of the procedure throughout the reportable range for patient test results:

(i) When a complete change of reagents for a procedure is introduced;

(ii) When there is major preventive maintenance or replacement of critical parts of equipment or instrumentation;

(iii) When controls begin to reflect an unusual trend or are outside acceptable range limits; or

(iv) At least every six months;

(c) If patient values are above the maximum or below the minimum calibration point or the linear range:

(i) Report the patient results as greater than the upper limit or less than the lower limit or an equivalent designation; or

(ii) Use an appropriate procedure to rerun the sample allowing results to fall within the established linear range;

(d) Perform quality control:

(i) For quantitative tests:

(A) To include two reference materials of different concentrations each day of testing unknown samples, if these reference materials are available; or

(B) Have an equivalent mechanism to assure the quality, accuracy, and precision of the test, if reference materials are not available; and

(ii) For qualitative tests, to include positive and negative reference material each day of testing unknown samples;

(e) Check each batch or shipment of reagents, discs, stains, antisera and identification systems for positive and negative reactivity:

(i) When prepared or opened;

(ii) For stains, each day of use, unless otherwise specified; and

(iii) For fluorescent stains, each time of use, unless otherwise specified;

(f) Determine the statistical limits for each lot number of unassayed reference materials through repeated testing;

(g) Use the manufacturer's reference material limits for assayed material, provided they are:

(i) Verified by the medical test site; and

(ii) Appropriate for the methods and instrument used by the medical test site;

(h) Make reference material limits readily available;

(i) Report patient results only when reference materials are within acceptable limits;

(j) Use materials within their documented expiration date and not interchange components of kits with different lot numbers, unless specified by manufacturer;

(k) For microbiology:

(i) Check each batch or shipment of reagents, discs, stains, antisera, and identification system for reactivity with positive and negative reference organisms including:

(A) Each time of use for fluorescent stains;

(B) Each day of use for:

(I) Stains, unless specifically stated otherwise in this section; DNA probes; reagents used in mycobacteriology; catalase, coagulase, beta-lactamase, and oxidase reagents; and

(II) Direct antigen detection systems, using positive and negative controls that evaluate both the extraction and reaction phase;

(C) Each week of use for Gram and acid-fast stains, bacitracin, optochin, ONPG, X, and V discs or strips; and

(D) Each month of use for antisera;

(ii) When testing antimicrobial susceptibility, check each new batch of media and each new lot of antimicrobial discs or other testing systems using approved reference organisms:

(A) Before initial use; and

(B) Each day of testing, or weekly, if the medical test site can meet the quality control requirements for antimicrobial disc susceptibility testing as outlined by the National Committee for Clinical Laboratory Standards (NCCLS), available upon request from the department;

(iii) Document zone sizes or minimum inhibitory concentration for reference organisms are within established limits;

(iv) Have available and use appropriate stock organisms for quality control purposes;

(v) Have available a collection of slides, photographs, gross specimens, or text books for reference sources to aid in identification of microorganisms;

(vi) Document appropriate steps in the identification of microorganisms on patient specimens;

(vii) Check each batch or shipment of noncommercial media for sterility, ability to support growth, and if appropriate, selectivity, inhibition, or biochemical response;

(viii) If commercially manufactured media quality control results are used:

(A) Verify that the product insert specifies that the quality control checks meet the requirements, as outlined by NCCLS, for media quality control;

(B) Keep records of the manufacturer's quality control results;

(C) Document visual inspection of the media before use; and

(D) Follow the manufacturer's specifications for using the media;

(ix) When performing mycology:

(A) For susceptibility testing:

(I) Test each drug each day of use with at least one control strain that is susceptible to the drug; and

(II) Document that controls are within established limits before reporting patient results;

(B) Test reagents, used with biochemical tests and other test procedures used for identification, each week of use with an organism that produces a positive reaction;

(x) When performing parasitology:

(A) Use a calibrated ocular micrometer for determining the size of ova and parasites, if size is a critical parameter; and

(B) Check permanent stains using reference materials, each month of use;

(xi) When performing virus identification, simultaneously culture uninoculated cells or cell substrate controls as a negative control;

(l) For syphilis serology:

(i) Use equipment, glassware, reagents, reference materials, and techniques conforming to manufacturers' specifications;

(ii) Perform serologic tests on unknown specimens concurrently with a positive serum reference material with known titer or graded reactivity and a negative reference material; and

(iii) Employ reference materials for all test components to ensure reactivity;

(m) For general immunology:

(i) Perform serologic tests on unknown specimens with a positive and a negative reference material;

(ii) Employ reference materials for all test components to ensure reactivity; and

(iii) Report test results only when the predetermined reactivity pattern of the reference material is observed;

(n) For chemistry, when performing blood gas analysis, include:

(i) A two-point calibration and a reference material each eight hours of testing; and

(ii) A one-point calibration or reference material each time patient samples are tested, unless automated instrumentation internally verifies calibration at least every thirty minutes; or

(iii) Another calibration and reference material schedule, approved by the department as equivalent to this subsection;

(o) For hematology and coagulation:

(i) Use one level of reference material each eight hours of testing patient samples for manual blood counts;

(ii) Use two levels of reference materials:

(A) Each eight hours of testing for:

(I) Instrumentation methods; and

(II) Manual tilt tube method for coagulation; and

(B) Each reagent change for coagulation;

(iii) Run manual coagulation tests and cell counts in duplicate;

(p) For immunohematology, for the services offered:

(i) Perform ABO grouping by testing unknown red cells with Federal Food and Drug Administration approved anti-A and anti-B grouping sera;

(ii) Confirm ABO grouping of unknown serum with known A₁ and B red cells;

(iii) Determine the Rh₀(D) group by testing unknown red cells with anti-D (anti Rh₀) blood grouping serum;

(iv) Employ a control system capable of detecting false positive Rh test results, when required by the manufacturer; and

(v) Perform quality control checks of cells and antisera each day of use;

(q) For transfusion services:

(i) Perform ABO grouping, Rh₀(D) typing, antibody detection, and identification and compatibility testing as described by the Food and Drug Administration under 21 CFR Part 606, with the exception of 21 CFR Part 606.20a, Personnel, and 21 CFR Part 640;

(ii) Collect, store, process, distribute and date blood and blood products as described by the Food and Drug Administration under 21 CFR Parts 606, 610.53 and 640;

(iii) When provided by an outside entity, have an agreement approved by the director for procurement, transfer and availability of blood and blood products; and

(iv) Promptly investigate all transfusion reactions according to the medical test site's procedures;

(r) For histopathology:

(i) Use positive control slides for each special stain to check for intended level of reactivity;

(ii) Retain stained slides at least ten years and specimen blocks at least two years from the date of examination;

(iii) Retain remnants of tissue specimens in an appropriate preserved state until the portions submitted for microscopic examination have been examined and diagnosed; and

(iv) Include on all reports the signature or initials of the technical supervisor, as defined under 42 CFR Part 493 Subpart M;

(s) For cytology:

(i) Develop criteria for submission of material and the assessment of the adequacy of the sample submitted, including notifying the physician;

(ii) Retain all negative slides for five years from the date of examination of the slide;

(iii) Retain all abnormal slides for ten years from the date of examination;

(iv) Include in quality control the rescreening and documentation of benign gynecological slides as follows:

(A) One hundred percent of slides from patient with a known history of cervical cancer or its precursors; and

(B) Selection of benign slides for a total rescreening of a minimum of ten percent of all benign slides including patients identified in (s)(iv)(A) of this subsection;

(v) Assure that quality control is performed by a person meeting the personnel requirements for technical supervisor or general supervisor in cytology, as defined under 42 CFR Part 493 Subpart M;

(vi) Evaluate the results of the quality control rescreen prior to reporting results for the cases selected;

(vii) Review cytologic specimens or records of previous reviews, for the prior five years, if available, for each abnormal cytology result;

(viii) Correlate abnormal cytology reports with prior cytology reports and with histopathology reports, if available, and determine the cause of any discrepancies;

(ix) Document reviews of negative slides from cases known to have a history of abnormal slides;

(x) Evaluate and document technical personnel slide examination performance, comparing against the medical test site's overall statistics;

(xi) Evaluate and document significant discrepancies in examination of cytology slides;

(xii) Establish an annual statistical evaluation of the number of cytology cases examined, number of specimens processed by specimen type, volume of patient cases reported by diagnosis, number of cases where cytology and histology are discrepant, number of cases where histology results were unavailable for comparison and number of cases where rescreen of negative slides resulted in reclassification as abnormal;

(xiii) Stain all gynecologic smears with a Papanicolaou or modified Papanicolaou staining method;

(xiv) Take effective measures when staining to prevent cross-contamination between gynecologic and nongynecologic specimens;

(xv) The technical supervisor shall:

(A) Confirm all gynecological smears interpreted to be outside normal limits;

(B) Review all nongynecological cytological preparations;

(C) Sign or initial all reports from (s)(xiv)(A) or (B) of this subsection; and

(D) Establish, document and reassess, at least every six months, the workload limits for each cytotechnologist;

(xvi) Technical personnel shall examine, unless federal law and regulation specify otherwise, no more than one hundred cytological slides in a twenty-four hour period and in no less than a eight-hour period; and

(xvii) All slide preparations must be evaluated on the premises;

(t) For histocompatibility:

(i) Use applicable quality control standards for immunohematology, transfusion services, and diagnostic immunology as described in this chapter; and

(ii) Meet the standards for histocompatibility as listed in 42 CFR Part 493.1265, Condition: Histocompatibility, available from the department upon request;

(u) For cytogenetics:

(i) Document the:

(A) Number of metaphase chromosome spreads and cells counted and karyotyped;

(B) Number of chromosomes counted for each metaphase spread;

(C) Media used;

(D) Quality of banding; and

(E) Sufficient resolution to support the reported results;

(ii) Assure an adequate number of karyotypes are prepared for each patient, according to the indication given for performing cytogenetics study;

(iii) Use an adequate patient identification system for:

(A) Patient specimens;

(B) Photographs, photographic negatives, or computer stored images of metaphase spreads and karyotypes;

(C) Slides; and

(D) Records;

(iv) Include in the final report:

(A) The number of cells counted and karyotyped; and

(B) An interpretation of the karyotypes findings;

(v) Use appropriate nomenclature on final reports; and

(vi) When performing determination of sex by X and Y chromatin counts, perform confirmatory testing on all atypical results;

(v) For radiobioassay and radioimmunoassay:

(i) Check the counting equipment for stability each day of use with radioactive standards or reference sources; and

(ii) Meet Washington state radiation standards described under chapter 70.98 RCW, and chapter 402-10 through 402-24, 402-32 through 402-34, 402-62, and 402-70 WAC.

[Statutory Authority: RCW 70.42.005, 97-14-113, § 246-338-090, filed 7/2/97, effective 8/2/97. Statutory Authority: Chapter 70.42 RCW, 93-18-091 (Order 390), § 246-338-090, filed 9/1/93, effective 10/2/93; 91-21-062 (Order 205), § 246-338-090, filed 10/16/91, effective 10/16/91. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-338-090, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.42 RCW, 90-20-017 (Order 090), § 248-38-090, filed 9/21/90, effective 10/22/90.]

WAC 246-338-100 Disciplinary action. (1) The department may take disciplinary action against the license of a medical test site or an application for a license as a medical test site upon a determination that the licensee or applicant has engaged in or committed any of the following:

(a) Failure or refusal to comply with the requirements of chapter 70.42 RCW or the rules adopted under chapter 70.42 RCW;

(b) Knowingly, or with reason to know, made a false statement of a material fact in the application for a license or in any data attached thereto or in any record required by the department;

(c) Refused to allow representatives of the department to examine any book, record, or file required under this chapter;

(d) Willfully prevented, interfered with, or attempted to impede in any way, the work of a representative of the department; or

(e) Misrepresented or was fraudulent in any aspect of the owner's or applicant's business.

(2) Except as provided in subsection (3) of this section, the following actions may be taken against the applicant or licensee, individually or in any combination, as a disciplinary action:

(a) Denial of the license or renewal thereof;

(b) Conditions on the license which limit or cancel the test site's authority to conduct any tests or group of tests;

(c) Suspension of the license;

(d) Revocation of the license;

(e) Monetary penalties, not exceeding ten thousand dollars per violation.

(3) Upon a determination that the licensee or applicant has engaged in or committed any of the following described conduct, the sanction shall be as specified for that conduct. If more than one sanction is listed, the sanction may be ordered individually or in any combination:

(a) If the applicant was the holder of a license under chapter 70.42 RCW which was revoked for cause and never reissued by the department, then the license application may be denied;

(b) If the licensee willfully prevents or interferes with preservation of evidence of a known violation of chapter 70.42 RCW or the rules adopted under this chapter, a monetary penalty not exceeding ten thousand dollars per violation may be assessed or the license may be:

(i) Conditioned in a manner limiting or canceling the authority to conduct tests or groups of tests;

(ii) Suspended;

(iii) Revoked;

(c) If the licensee used false or fraudulent advertising, a monetary penalty not exceeding ten thousand dollars per violation may be assessed or the license may be suspended or revoked;

(d) If the licensee failed to pay any civil monetary penalty assessed by the department under chapter 70.42 RCW within twenty-eight days after the assessment becomes final, the license may be suspended or revoked;

(e) If the licensee intentionally referred its proficiency testing samples to another medical test site or laboratory for analysis, the license will be revoked for a period of at least one year and a monetary penalty not exceeding ten thousand dollars per violation may be assessed.

(4) The department may summarily suspend or revoke a license when the department finds continued licensure of a test site immediately jeopardizes the public health, safety, or welfare.

(5) The department shall give written notice of any disciplinary action taken by the department to the owner or applicant for licensure, including notice of the opportunity for a hearing.

(6) A medical test site, convicted of fraud and abuse, false billing or kickbacks under state law must report this information to the department within thirty days.

[Statutory Authority: RCW 70.42.005, 97-14-113, § 246-338-100, filed 7/2/97, effective 8/2/97. Statutory Authority: Chapter 70.42 RCW, 93-18-091 (Order 390), § 246-338-100, filed 9/1/93, effective 10/2/93. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-338-100, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.42 RCW, 90-20-017 (Order 090), § 248-38-100, filed 9/21/90, effective 10/22/90.]

Chapter 246-360 WAC

TRANSIENT ACCOMMODATIONS

WAC

246-360-060	Repealed.
246-360-170	Repealed.
246-360-210	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-360-060	Swimming pools, spas, hot tubs, wading pools, bathing beaches. [Statutory Authority: RCW 70.62.240, 94-23-077, § 246-360-060, filed 11/16/94, effective 12/17/94. Statutory Authority: RCW 43.20.050, 91-02-051 (Order 124B), recodified as § 246-360-060, filed 12/27/90, effective 1/31/91; 89-11-058 (Order 328), § 248-144-071, filed 5/17/89.] Repealed by 97-20-100, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.20.050.
246-360-170	Travel trailers and mobile homes. [Statutory Authority: RCW 70.62.240, 94-23-077, § 246-360-170, filed 11/16/94, effective 12/17/94. Statutory Authority: RCW 43.20.050, 91-02-051 (Order 124B), recodified as § 246-360-170, filed 12/27/90, effective 1/31/91; 89-11-058 (Order 328), § 248-144-181, filed 5/17/89.] Repealed by 97-20-100, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.20.050.
246-360-210	Separability. [Statutory Authority: RCW 43.20.050, 91-02-051 (Order 124B), recodified as § 246-360-210, filed 12/27/90, effective 1/31/91; Order 71, § 248-144-250, filed 4/11/72.] Repealed by 97-20-100, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.20.050.

WAC 246-360-060 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-360-170 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-360-210 Repealed. See Disposition Table at beginning of this chapter.

Chapter 246-374 WAC

OUTDOOR MUSIC FESTIVALS

WAC

246-374-050	Repealed.
246-374-060	Repealed.
246-374-080	Repealed.
246-374-100	Repealed.
246-374-130	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-374-050	Water supply. [Statutory Authority: RCW 43.20.050 and 70.108.040, 92-02-019 (Order 225B), § 246-374-050, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.20.050, 91-02-051 (Order 124B), recodified as § 246-374-050, filed 12/27/90, effective 1/31/91; Order 59, § 248-73-050, filed 8/16/71.] Repealed by 97-20-100, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.20.050.
246-374-060	Sewage disposal. [Statutory Authority: RCW 43.20.050 and 70.108.040, 92-02-019 (Order 225B), § 246-374-060, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.20.050, 91-02-051 (Order 124B), recodified as § 246-374-060, filed 12/27/90, effective 1/31/91; Order 59, § 248-73-060, filed 8/16/71.] Repealed by 97-20-100, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.20.050.
246-374-080	Solid waste. [Statutory Authority: RCW 43.20.050 and 70.108.040, 92-02-019 (Order 225B), § 246-374-080, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.20.050, 91-02-051 (Order 124B), recodified as § 246-374-080, filed 12/27/90, effective 1/31/91; Order 59, § 248-73-080, filed 8/16/71.] Repealed by 97-20-100, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.20.050.
246-374-100	Food service. [Statutory Authority: RCW 43.20.050 and 70.108.040, 92-02-019 (Order 225B), § 246-374-100, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.20.050, 91-02-051 (Order 124B), recodified as § 246-374-100, filed 12/27/90, effective 1/31/91; Order 59, § 248-73-100, filed 8/16/71.] Repealed by 97-20-100, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.20.050.
246-374-130	Bathing areas. [Statutory Authority: RCW 43.20.050 and 70.108.040, 92-02-019 (Order 225B), § 246-374-130, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.20.050, 91-02-051 (Order 124B), recodified as § 246-374-130, filed 12/27/90, effective 1/31/91; Order 59, § 248-73-130, filed 8/16/71.] Repealed by 97-20-100, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.20.050.

WAC 246-374-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-374-060 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-374-080 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-374-100 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-374-130 Repealed. See Disposition Table at beginning of this chapter.

Chapter 246-376 WAC CAMPS

WAC

246-376-050 Repealed.
246-376-080 Repealed.
246-376-100 Repealed.
246-376-110 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-376-050 Water supply. [Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-376-050, filed 12/27/90, effective 1/31/91; Order 140, § 248-72-040, filed 2/7/77; Regulation 72.040, effective 3/11/60.] Repealed by 97-20-100, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.20.050.

246-376-080 Sewage and liquid waste disposal. [Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-376-080, filed 12/27/90, effective 1/31/91; Order 140, § 248-72-070, filed 2/7/77; Regulation 72.070, effective 3/11/60.] Repealed by 97-20-100, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.20.050.

246-376-100 Food handling. [Statutory Authority: RCW 43.20.050. 92-02-019 (Order 225B), § 246-376-100, filed 12/23/91, effective 1/23/92; 91-02-051 (Order 124B), recodified as § 246-376-100, filed 12/27/90, effective 1/31/91; Order 140, § 248-72-090, filed 2/7/77; Regulation 72.090, effective 3/11/60.] Repealed by 97-20-100, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.20.050.

246-376-110 Swimming pools, wading pools, and bathing beaches. [Statutory Authority: RCW 43.20.050. 92-02-019 (Order 225B), § 246-376-110, filed 12/23/91, effective 1/23/92; 91-02-051 (Order 124B), recodified as § 246-376-110, filed 12/27/90, effective 1/31/91; Order 140, § 248-72-110, filed 2/7/77; Regulation 72.110, effective 3/11/60.] Repealed by 97-20-100, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.20.050.

WAC 246-376-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-376-080 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-376-100 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-376-110 Repealed. See Disposition Table at beginning of this chapter.

Chapter 246-510 WAC

STANDARDS FOR COMMUNITY HEALTH CLINICS

WAC

246-510-001 through 246-510-400 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-510-001 Purpose. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-510-001, filed 12/27/90, effective 1/31/91. Statutory Authority: 1989 1st ex.s. c 19 § 214. 90-04-082 (Order 027), § 248-170-001, filed 2/6/90, effective 3/9/90.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

246-510-010 Definitions. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-510-010, filed 12/27/90, effective 1/31/91. Statutory Authority: 1989 1st ex.s. c 19 § 214. 90-04-082 (Order 027), § 248-170-020, filed 2/6/90, effective 3/9/90.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

246-510-100 Administration. [Statutory Authority: Statutory Authority: 1989 c 19 § 214(3). 92-02-018 (Order 224), § 246-510-100, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-510-100, filed 12/27/90, effective 1/31/91. Statutory Authority: 1989 1st ex.s. c 19 § 214. 90-04-082 (Order 027), § 248-170-100, filed 2/6/90, effective 3/9/90.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

246-510-130 Application for funds. [Statutory Authority: 1989 c 19 § 214(3). 92-02-018 (Order 224), § 246-510-130, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-510-130, filed 12/27/90, effective 1/31/91. Statutory Authority: 1989 1st ex.s. c 19 § 214. 90-04-082 (Order 027), § 248-170-130, filed 2/6/90, effective 3/9/90.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

246-510-160 Eligibility. [Statutory Authority: 1989 c 19 § 214(3). 92-02-018 (Order 224), § 246-510-160, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-510-160, filed 12/27/90, effective 1/31/91. Statutory Authority: 1989 1st ex.s. c 19 § 214. 90-04-082 (Order 027), § 248-170-160, filed 2/6/90, effective 3/9/90.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

246-510-200 Allocation of state funds. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-510-200, filed 12/27/90, effective 1/31/91. Statutory Authority: 1989 1st ex.s. c 19 § 214. 90-04-082 (Order 027), § 248-170-200, filed 2/6/90, effective 3/9/90.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

246-510-300 Dispute resolution procedures. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-510-300, filed 12/27/90, effective 1/31/91. Statutory Authority: 1989 1st ex.s. c 19 § 214. 90-04-082 (Order 027), § 248-170-300, filed 2/6/90, effective 3/9/90.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

246-510-320 Audit review. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-510-320, filed 12/27/90, effective 1/31/91. Statutory Authority: 1989 1st ex.s. c 19 § 214. 90-04-082 (Order 027), § 248-170-320, filed 2/6/90, effective 3/9/90.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

246-510-400 Limitations on awards. [Statutory Authority: RCW 43.70.040 and 1989 sp.s. c 19 § 214. 92-14-055 (Order

282), § 246-510-400, filed 6/25/92, effective 6/30/92.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

WAC 246-510-001 through 246-510-400 Repealed. See Disposition Table at beginning of this chapter.

Chapter 246-560 WAC

RURAL HEALTH SYSTEM PROJECT

WAC

246-560-015	Repealed.
246-560-020	Repealed.
246-560-030	Repealed.
246-560-080	Repealed.
246-560-090	Repealed.
246-560-100	Repealed.
246-560-105	Repealed.
246-560-110	Repealed.
246-560-120	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-560-015	Implementation. [Statutory Authority: Chapter 70.175 RCW. 91-16-108 (Order 186), § 246-560-015, filed 8/7/91, effective 9/7/91.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
246-560-020	Review process. [Statutory Authority: Chapter 70.175 RCW. 91-16-108 (Order 186), § 246-560-020, filed 8/7/91, effective 9/7/91.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
246-560-030	Time schedule. [Statutory Authority: Chapter 70.175 RCW. 91-16-108 (Order 186), § 246-560-030, filed 8/7/91, effective 9/7/91.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
246-560-080	Selection criteria for assisted demonstration projects. [Statutory Authority: Chapter 70.175 RCW. 91-16-108 (Order 186), § 246-560-080, filed 8/7/91, effective 9/7/91.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
246-560-090	Issuance of contracts. [Statutory Authority: Chapter 70.175 RCW. 91-16-108 (Order 186), § 246-560-090, filed 8/7/91, effective 9/7/91.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
246-560-100	Use of project funds. [Statutory Authority: Chapter 70.175 RCW. 91-16-108 (Order 186), § 246-560-100, filed 8/7/91, effective 9/7/91.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
246-560-105	Continuation funding. [Statutory Authority: Chapter 70.175 RCW. 91-16-108 (Order 186), § 246-560-105, filed 8/7/91, effective 9/7/91.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
246-560-110	Consultation. [Statutory Authority: Chapter 70.175 RCW. 91-16-108 (Order 186), § 246-560-110, filed 8/7/91, effective 9/7/91.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
246-560-120	Periodic reports. [Statutory Authority: Chapter 70.175 RCW. 91-16-108 (Order 186), § 246-560-120, filed 8/7/91, effective 9/7/91.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

WAC 246-560-015 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-560-020 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-560-030 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-560-080 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-560-090 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-560-100 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-560-105 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-560-110 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-560-120 Repealed. See Disposition Table at beginning of this chapter.

Chapter 246-710 WAC

COORDINATED CHILDREN'S SERVICES

WAC

246-710-040	Repealed.
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-710-040	Funding ceilings on neuromuscular program and individual neuromuscular centers. [Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-710-040, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.20.140 and 43.20.050. 83-01-002 (Order 247), § 248-105-050, filed 12/2/82.] Repealed by 97-20-100, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.20.050.
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WAC 246-710-040 Repealed. See Disposition Table at beginning of this chapter.

Chapter 246-762 WAC

SCOLIOSIS SCREENING—SCHOOL DISTRICTS

WAC

246-762-060	Repealed.
246-762-070	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-762-060	Distribution of rules and procedures. [Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-762-060, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 28A.31.134 and 43.20.050. 85-23-029 (Order 294), § 248-150-070, filed 11/14/85. Statutory Authority: RCW 43.20.050. 79-11-103 (Order 189), § 248-150-070, filed 10/31/79.] Repealed by 97-20-100.
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- filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.20.050.
- 246-762-070 Exemptions from examinations—Screening waivers. [Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-762-070, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 28A.31.134 and 43.20.050. 85-23-029 (Order 294), § 248-150-080, filed 11/14/85. Statutory Authority: RCW 43.20.050. 79-11-103 (Order 189), § 248-150-080, filed 10/31/79.] Repealed by 97-20-100, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.20.050.

WAC 246-762-060 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-762-070 Repealed. See Disposition Table at beginning of this chapter.

Chapter 246-790 WAC

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

WAC

- 246-790-010 Definitions.
- 246-790-050 What is the WIC program?
- 246-790-060 What is the process for getting a food WIC authorized?
- 246-790-070 How do I become a WIC retailer?
- 246-790-080 What do I need to know about WIC retailer contracts?
- 246-790-085 What is expected of WIC retailers?
- 246-790-090 How are WIC retailer contracts monitored?
- 246-790-100 What happens if I don't comply with the WIC retailer contract or rules?
- 246-790-110 Repealed.
- 246-790-120 How do I appeal a WIC decision I don't agree with?
- 246-790-130 How does the WIC program get input from the food industry?

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 246-790-110 Notice of adverse action to WIC food vendor—Denial of food vendor application, contract nonrenewal. [Statutory Authority: RCW 43.70.120. 92-22-036 (Order 314), § 246-790-110, filed 10/27/92, effective 11/27/92. Statutory Authority: RCW 43.20A.550. 91-01-097 (Order 3117), recodified as § 246-790-110, filed 12/18/90, effective 1/18/91; 88-14-037 (Order 2638), § 388-19-040, filed 6/30/88.] Repealed by 97-16-117, filed 8/6/97, effective 9/6/97. Statutory Authority: RCW 43.70.120.

WAC 246-790-010 Definitions. (1) "Appeal process" means a formal proceeding to appeal a program decision. The appeal hearing process provides a contractor the opportunity to review the case record prior to the hearing, to present its case in an impartial setting, to confront and cross-examine witnesses, and to be represented by counsel.

(2) "Applicant retailer" means any retailer submitting a completed request for authorization requesting participation in the program.

(3) "Authorized" or "authorization" means the applicant retailer has met selection criteria and signed a contract with the department signifying eligibility to participate in the WIC program.

(4) "CFR" means the Code of Federal Regulations.

(5) "Contract" means a written legal document binding the contractor and the department to designated terms and conditions.

(6) "Contractor" means the owner, chief executive officer, controller, or other person legally authorized to obligate a retailer to a contract.

(7) "Department" means the Washington state department of health.

(8) "Disqualification" means the act of revoking the authorization and terminating the contract of an authorized retailer for noncompliance with WIC program requirements.

(9) "Food company" means a manufacturer or broker of food items.

(10) "Local WIC agency" means the contracted clinic or agency where a client receives WIC services.

(11) "Monetary penalty" means a sum of money imposed by the program for noncompliance with program requirements.

(12) "Reauthorization" means the process when a retailer who has a contract with the department which is expiring, has again applied and met the selection criteria, and signed a subsequent contract with the department signifying eligibility to participate in the WIC program.

(13) "Supplemental WIC foods" means those foods containing nutrients determined to be beneficial for pregnant, breast-feeding, and postpartum women, infants and children, as prescribed by federal regulations and state requirements, and, as authorized by the Washington state WIC program.

(14) "WIC program" or "program" means the federally funded special supplemental nutrition program for women, infants, and children administered in Washington state by the department of health.

(15) "WIC retailer" or "retailer" means an individual store owned by a contractor which is authorized to participate in the WIC program.

(16) "Wholesaler" means a business entity which sells food and other items to a retailer.

(17) "WIC check" means a negotiable instrument issued to and used by a WIC client or a WIC client's designee to obtain specified supplemental WIC foods at a contracted WIC retailer.

(18) "WIC client" or "client" means a pregnant, breast-feeding, or postpartum woman, infant, or child receiving WIC benefits.

(19) "WIC client's designee" means a person authorized by the client to pick up WIC checks at the local WIC agency and use the WIC checks at the retailer when the client is unable to do so.

[Statutory Authority: RCW 43.70.120. 97-16-117, § 246-790-010, filed 8/6/97, effective 9/6/97; 92-22-036 (Order 314), § 246-790-010, filed 10/27/92, effective 11/27/92. Statutory Authority: RCW 43.17.060, 43.21C.120 and 43.20A.550. 91-01-098 (Order 3118), § 246-790-010, filed 12/18/90, effective 1/18/91.]

WAC 246-790-050 What is the WIC program? (1) The WIC program in the state of Washington is administered by the division of community and family health, office of public health nutrition services in the department of health.

(2) The WIC program is a federally funded program established in 1972 by an amendment to the Child Nutrition Act of 1966. It is the purpose of the program to provide nutrition and health assessment, nutrition education, nutri-

tious food; breast-feeding counseling; and referral services to pregnant, breast-feeding, and postpartum women, infants, and children in specific risk categories.

(3) Federal regulations governing the WIC program (7 CFR Part 246) require implementation of standards and procedures to guide the state's administration of the WIC program and are hereby incorporated by reference. These regulations are designed to promote consistent and high quality services to clients, promote consistent application of procedures for eligibility and food issuance, and promote client and retailer compliance. These regulations define the rights, responsibilities, and legal procedures of clients and retailers.

[Statutory Authority: RCW 43.70.120, 97-16-117, § 246-790-050, filed 8/6/97, effective 9/6/97; 92-22-036 (Order 314), § 246-790-050, filed 10/27/92, effective 11/27/92. Statutory Authority: RCW 43.20A.550, 91-01-097 (Order 3117), recodified as § 246-790-050, filed 12/18/90, effective 1/18/91; 90-12-112 (Order 2960), § 388-19-005, filed 6/6/90, effective 7/7/90; 88-14-037 (Order 2638), § 388-19-005, filed 6/30/88.]

WAC 246-790-060 What is the process for getting a food WIC authorized? (1) WIC eligible women, infants, and children receive supplemental WIC foods from one or more of the following food categories. These foods shall meet nutritional standards established by federal regulations and state requirements:

- (a) Cereals,
- (b) Juices,
- (c) Infant formula,
- (d) Infant cereal,
- (e) Liquid nutritional supplements,
- (f) Milk,
- (g) Eggs,
- (h) Dry beans and peas,
- (i) Peanut butter,
- (j) Cheese,
- (k) Tuna, and
- (l) Carrots.

Additionally, the WIC program authorizes specific brands of juice, cereal, and infant formula based on federal and state nutritional requirements. The WIC program limits the selection of authorized WIC foods in accordance with federal cost containment requirements, including, but not limited to, the competitive procurement of a single manufacturer's infant formula.

(2) The procedure for initially authorizing a food is:

(a) By December 31 of odd-numbered years, a food company or other entity, such as a local WIC clinic, shall submit a written request to the WIC program for authorization of a food, to include:

- (i) Package flats or labels, information on package sizes and prices, and a summary of current distribution, including identification of the wholesaler carrying the food; and
- (ii) Assessment of when the new food replaces the old on store shelves when there is a change in formulation.

(b) The WIC program shall verify if a food considered for authorization fits within one of the authorized food categories, meets the federal requirements of nutritional standards, is available to retailers, and has been available to retailers for one year or more;

(c) A public health nutrition services work group shall make a recommendation based on the food's ingredients and

value to the promotion of healthful and economic food buying practices;

(d) The WIC program has the option to survey local WIC agency staff and clients for their recommendation regarding need and demand for the food;

(e) The WIC program shall review data and recommendations and shall notify the food company of the program's decision;

(f) The WIC program shall add the newly authorized foods to the WIC check and related materials to coincide with the retailer contract period.

(3) Food companies shall notify the WIC program in writing of any changes in product formulation, product name, packaging, label design, size, or availability. A food company shall notify the WIC program of any such changes before any Washington state wholesaler receives the new product.

If a food company fails to notify the WIC program of any changes, the WIC program may revoke or deny the food's WIC authorization.

(4) A food company shall not use the term "WIC approved" or the WIC program logo without prior written approval from the WIC program.

(5) The WIC program may require a food company to submit a statement guaranteeing a minimum period of time during which a food will be available in the state of Washington.

(6) The WIC program shall refuse any food that contradicts the principles promoted by the WIC program's nutrition service component.

(7) The WIC program may limit the number of authorized foods within a food category.

(8) The WIC program may initiate reassessment of any WIC authorized food.

[Statutory Authority: RCW 43.70.120, 97-16-117, § 246-790-060, filed 8/6/97, effective 9/6/97; 92-22-036 (Order 314), § 246-790-060, filed 10/27/92, effective 11/27/92. Statutory Authority: RCW 43.20A.550, 91-01-097 (Order 3117), recodified as § 246-790-060, filed 12/18/90, effective 1/18/91; 90-12-112 (Order 2960), § 388-19-015, filed 6/6/90, effective 7/7/90; 88-14-037 (Order 2638), § 388-19-015, filed 6/30/88.]

WAC 246-790-070 How do I become a WIC retailer? (1) Applicant retailers interested in participating in the WIC program must apply for authorization and enter into a contract with the department.

(2) Application procedure.

(a) Upon request, the WIC program will send an application packet to interested applicant retailers. Applicant retailers shall submit the completed application to the WIC program, including a price list for authorized WIC foods.

(b) The WIC program may require applicant retailers to provide information regarding shelf price records and inventory records showing all purchases, both wholesale and retail, including but not limited to, wholesale receipts, cash and carry receipts, purchase orders, books of account, invoices that identify the quantity and prices of specific WIC foods and other pertinent records that substantiate the volume and the prices charged. Cash register receipts without specific identification of the quantity, unit price, and WIC food purchased are not acceptable as evidence of WIC food purchases.

(c) The WIC program shall conduct and document an on-site visit prior to, or at the time of, initial authorization of an applicant retailer, for the purpose of evaluating the inventory of WIC foods and providing training on the WIC retailer handbook.

(d) Applications are accepted from April 1 of odd-numbered years until September 30 of even-numbered years. Exceptions can be made in the case of an ownership change or where there is a documented need for a location in order to assure client access. The WIC program may limit acceptance of new applications.

(3) The WIC program shall authorize a distribution of retailers that facilitates client access, and enables effective management of the retailers. The WIC program may limit the number of authorized retailers in any given geographic area or state-wide.

(4) Selection is based on the following:

(a) The applicant retailer shall have requests from or the potential of serving fifteen or more WIC clients as verified by the local WIC agency.

(b) Applicant retailers applying for re-authorization shall have a check redemption record averaging forty or more checks per month over a six-month period, documented by WIC program statistics reports.

(c) Exceptions may be made for:

(i) Pharmacies needed as suppliers of special infant formulas; or

(ii) Applicant retailers in isolated areas where client access cannot otherwise be assured.

In either case, the need shall be documented by the local WIC agency.

(d) Applicant retailers shall stock representative items with current shelf lives from all food categories on the authorized WIC food list. Minimum quantities specified on the authorized WIC food list shall be on the shelf available for purchase before a contract is offered to the retailer. An applicant retailer seeking a waiver from the minimum formula stock requirement shall request the waiver in writing for each contract period. No waivers shall be granted unless there is an insufficient number of authorized retailers in a given service area to assure client access;

(e) Prices of individual foods shall not exceed one hundred twenty percent of the state-wide average price as calculated at least annually. An applicant retailer seeking a waiver from the one hundred twenty percent requirement shall request the waiver in writing for each contract period. No waivers shall be granted unless there is an insufficient number of authorized retailers in a given service area to assure client access;

(f) The applicant retailer shall possess a valid Washington state tax registration number;

(g) The applicant retailer shall agree to comply with training sessions and monitor visits, and provide shelf price records and inventory records showing all purchases, both wholesale and retail, including but not limited to, wholesale receipts, cash and carry receipts, purchase orders, books of account, invoices that identify the quantity and prices of specific WIC foods, and other pertinent records that substantiate the volume and prices charged upon the WIC program's request;

(h) The applicant retailer shall operate from a fixed location;

(i) The applicant retailer shall be open for business at a minimum eight or more hours per day, six days per week.

(j) The applicant retailer shall be in compliance with local sanitation rules;

(k) The applicant retailer with a history of any of the following shall be denied authorization unless client access can not otherwise be assured:

(i) WIC or food stamp disqualification;

(ii) Redeeming WIC checks without authorization;

(iii) Changing ownership more than twice during a two-year contracting period;

(iv) Failing to implement corrective action imposed by the program;

(v) Failing to complete payment within the time specified, of an imposed monetary penalty or reimbursement of an overcharge; and

(vi) Refusing to accept training from the WIC program.

(5) The WIC program may deny a retailer authorization for failure to meet any of the stated selection criteria.

[Statutory Authority: RCW 43.70.120, 97-16-117, § 246-790-070, filed 8/6/97, effective 9/6/97; 92-22-036 (Order 314), § 246-790-070, filed 10/27/92, effective 11/27/92; 91-06-029 (Order 145), § 246-790-070, filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 43.20A.550, 91-01-097 (Order 3117), recodified as § 246-790-070, filed 12/18/90, effective 1/18/91; 90-12-112 (Order 2960), § 388-19-020, filed 6/6/90, effective 7/7/90; 88-18-022 (Order 2681), § 388-19-020, filed 8/30/88; 88-14-037 (Order 2638), § 388-19-020, filed 6/30/88.]

WAC 246-790-080 What do I need to know about WIC retailer contracts? (1) All authorized retailers shall enter into written contracts with the department. The contract shall be signed by the contractor and the designee of the contracting officer of the department of health.

(2) The contract shall list all authorized retailers by name and location. Individual retailers may be added, changed, disqualified, or terminated by contract amendment without affecting the remaining retailers.

(3) Duration of contract.

(a) The WIC program shall issue contracts for a maximum period of two years. All contracts expire on March 31 of odd-numbered years.

(b) Neither the WIC program nor the contractor is obligated to renew the contract. The WIC program shall notify contractors in writing not less than fifteen days before the expiration of a contract not being renewed by the program.

(c) Authorization is valid for no longer than the period stated in the contract. The retailer must reapply to be considered for authorization in the WIC program.

(d) The contractor or the WIC program may terminate the contract at any time by submitting a written notice to the other party thirty days in advance.

(e) The contract is null and void in the event of a retailer closure or change in ownership.

[Statutory Authority: RCW 43.70.120, 97-16-117, § 246-790-080, filed 8/6/97, effective 9/6/97; 92-22-036 (Order 314), § 246-790-080, filed 10/27/92, effective 11/27/92; 91-23-078 (Order 215), § 246-790-080, filed 11/19/91, effective 12/20/91. Statutory Authority: RCW 43.20A.550, 91-01-097 (Order 3117), recodified as § 246-790-080, filed 12/18/90, effective 1/18/91; 90-12-112 (Order 2960), § 388-19-025, filed 6/6/90, effective 7/7/90; 88-14-037 (Order 2638), § 388-19-025, filed 6/30/88.]

WAC 246-790-085 What is expected of WIC retailers? (1) The retailer shall comply with WIC program requirements and terms of the retailer contract.

(2) The retailer shall stock sufficient quantities of authorized WIC foods to meet the needs of WIC customers, but not less than the minimum stock levels.

(3) The retailer shall redeem WIC checks made payable only to that specific retailer or with the words "any authorized WIC vendor."

(4) The retailer shall accept WIC checks from a WIC customer on the "first day to use," the "last day to use," or any day in between the dates printed on the WIC check. The retailer shall submit the WIC check for payment within sixty days from the "first day to use."

(5) The retailer shall refuse to accept WIC checks that have the purchase price missing, the client's signature missing, the "first day to use" or the "last day to use" missing, or that are postdated or stale dated.

(6) The retailer shall enter the actual purchase price of the specific quantity of WIC authorized foods on each WIC check before the WIC customer countersigns the check.

(7) The retailer shall accept only WIC checks on which the WIC customer's countersignature matches the first customer signature on the check.

(8) The retailer shall refuse to accept WIC checks that are altered in any way.

(9) The retailer shall redeem WIC checks for only the supplemental WIC foods and in no more than the quantity specified on the check.

(10) The retailer shall post the prices of WIC foods so they are visible to the public.

(11) The retailer shall provide supplemental foods at the current price or at less than the current price charged to other customers.

(12) The retailer shall not sell WIC-authorized foods after the manufacturer's expiration date.

(13) The retailer shall not accept WIC checks with purchase amounts over the "not to exceed" amount printed on the check.

(14) The retailer shall reimburse the WIC program for documented overcharges and payments made on improperly handled WIC checks.

(15) The retailer shall not seek restitution from WIC clients for WIC checks not paid by the WIC program, nor shall the retailer seek restitution through a collection agency.

(16) The retailer shall not request cash or give change in a WIC transaction.

(17) The retailer shall not impose a surcharge or charge sales tax on any food purchased with WIC checks.

(18) The retailer shall refuse WIC client's requests for exchanges or cash refunds for returned WIC foods. Exceptions may be made for exchange of food due to spoilage or expired date not noticed by the WIC client at the time of the WIC transaction.

(19) The retailer shall not issue rain checks, any form of credit, or otherwise charge the WIC program for foods not received by the WIC customer at the time the WIC check is redeemed.

(20) The retailer shall treat WIC customers with the same courtesy provided to other customers.

(21) The contractor shall be responsible for the actions of employees, agents, and authorized retailers with regard to participation in the WIC program.

(22) The manager of the retailer or an authorized representative such as head cashier shall attend training on WIC program requirements and procedures prior to issuance of a contract and as otherwise required by the WIC program. The WIC program shall provide this training at no cost to the retailer.

(23) Those who attend training shall inform and train other employees on WIC program requirements and WIC check cashing procedures.

(24) The retailer shall provide access to its facilities at all reasonable times for WIC program representatives to monitor, to provide training or technical assistance, and to evaluate performance, compliance, and quality assurance.

(25) During any WIC program visit of a retailer, the retailer shall provide access to redeemed WIC checks for the purpose of review by the program representative.

(26) Retailers shall maintain inventory records showing all purchases, both wholesale and retail, for a period of at least three years, including, but not limited to shelf price records, wholesale receipts, cash and carry receipts, purchase orders, books of account, invoices that identify the quantity and prices of specific WIC foods, and other pertinent records that substantiate the volume and prices charged and provide WIC program representatives access to those records on request.

(27) Each retailer shall provide the WIC program with a completed price list of authorized WIC foods on request, but not more than twelve times per year.

(28) The contractor shall notify the WIC program of any change of ownership, retailer name, location and/or cessation of operation for any reason no later than the tenth of the month prior to the effective date of the change.

(29) Contractors shall observe time lines, such as deadlines for submitting price lists and returning properly signed contracts. Failure of contractors to do so may result in denial of authorization.

(30) Contractors shall take corrective action as directed by the WIC program.

[Statutory Authority: RCW 43.70.120. 97-16-117, § 246-790-085, filed 8/6/97, effective 9/6/97.]

WAC 246-790-090 How are WIC retailer contracts monitored? (1) The WIC program conducts on-site compliance reviews at retailer locations to monitor retailer compliance with program requirements.

(2) Preauthorization visits.

(a) Visit is scheduled in advance.

(b) The WIC program representative identifies self.

(c) The WIC program representative provides training on the WIC retailer handbook which includes information on WIC foods and WIC check handling, and collects information on WIC food stock levels and shelf prices.

(d) The retailer signs the preauthorization visit form verifying receipt of the training, understanding of program requirements, and the commitment to train store personnel.

(3) Compliance visits.

(a) Visit may or may not be scheduled in advance;

(b) The WIC program representative identifies self;

(c) The WIC program representative may do some or all of the following during a visit: Review WIC check handling procedures, WIC food stock levels, expiration dates and prices, WIC checks negotiated but not yet deposited, shelf price records, wholesale receipts, cash and carry receipts, purchase orders, books of account, invoices that identify the quantity and prices of specific WIC foods, and other pertinent records that substantiate the volume and prices charged, provide training or technical assistance, and verify implementation of a corrective action plan.

(d) The WIC program representative documents the name of the retailer, the name of the program representative, the names of all persons interviewed, the date of the visit, any problems or concerns detected or the observation the retailer appears to be in compliance, any corrective action plan if problems are detected, and the signatures of the program representative and the retailer.

(4) Compliance purchases.

(a) The WIC program representative does not identify self;

(b) The WIC program representative makes a purchase using WIC checks applying a predetermined methodology;

(c) The WIC program representative completes a report on the visit itemizing information including but not limited to, a description of the checker involved, the time and date of the transaction, the number of checkstands opened and closed, other customers in line, exact items purchased and/or refused, the prices charged or the purchase prices, comments of the checker, observations of the investigator or the investigative aide, any stock deficiencies noted, any other pertinent information, and the signature of the investigator.

[Statutory Authority: RCW 43.70.120, 97-16-117, § 246-790-090, filed 8/6/97, effective 9/6/97; 92-22-036 (Order 314), § 246-790-090, filed 10/27/92, effective 11/27/92. Statutory Authority: RCW 43.20A.550, 91-01-097 (Order 3117), recodified as § 246-790-090, filed 12/18/90, effective 1/18/91; 90-12-112 (Order 2960), § 388-19-030, filed 6/6/90, effective 7/7/90; 88-14-037 (Order 2638), § 388-19-030, filed 6/30/88.]

WAC 246-790-100 What happens if I don't comply with the WIC retailer contract or rules? (1) Retailers who commit acts of noncompliance are liable to prosecution in accordance with federal regulations (7 CFR 246.12 and 7 CFR 246.23). Noncompliance is failure to follow WIC program requirements including, but not limited to:

(a) Providing cash, unauthorized food, nonfood items, or other items to WIC customers in lieu of or in addition to authorized WIC supplemental foods;

(b) Selling or offering to sell foods with expired shelf lives;

(c) Charging the WIC program for foods not received by the customer;

(d) Charging the WIC program more for authorized WIC supplemental foods than other customers are charged for the same food;

(e) Inflating the purchase price of a WIC transaction;

(f) Providing rain checks or credit to customers in a WIC transaction;

(g) Charging WIC customers cash or giving change in a WIC transaction;

(h) Redeeming WIC checks without having authorization from the WIC program;

(i) Failing to write the actual purchase price on the WIC check at the time of the WIC transaction; and

(j) Failing to maintain adequate stock of WIC foods on the retailer's shelves.

(2) The WIC program may deny payment to, impose monetary penalties on and disqualify retailers for noncompliance with WIC program requirements and terms of the retailer contract.

(3) The WIC program shall seek reimbursement from retailers for documented overcharges and for payments made on improperly handled WIC checks.

(4) Retailers found in noncompliance, except for the offenses listed in subsection (9) of this section, will be notified by the WIC program and given the opportunity to correct the deficiency. Methods of notification include, but are not limited to, technical assistance contacts and notice of correction letters. Repeating any act of noncompliance may subject a retailer to sanctions.

(5) When the WIC program denies a retailer authorization, denies payment, imposes a monetary penalty, requests reimbursement, or disqualifies a retailer, the program shall give the contractor written notice not less than fifteen days prior to the effective date of the action. The notice shall state what action is being taken, the effective date of the action, and the procedure for requesting an appeal hearing.

(6) Monetary penalties shall be imposed when noncompliance of a same or similar type of noncompliance occurs following notification and the opportunity for correction.

(7) Monetary penalties, in accordance with federal regulations, are:

(a) If the value of the unauthorized items was less than one hundred dollars, the monetary penalty shall be not less than one hundred dollars and not more than one thousand dollars.

(b) If the value of the unauthorized items was one hundred dollars or more, the monetary penalty shall be not less than five hundred dollars and not more than ten thousand dollars.

(8) Monetary penalties and reimbursements shall be paid to the revenue section of the department within the time period specified in the notice. Retailers who fail to pay within the time period specified in the notice shall be referred to a commercial collection agency and may be disqualified.

(9) The WIC program shall disqualify the WIC retailer for the following, after providing advance notice of not less than fifteen days:

(a) Redeeming a WIC check for the purchase of any form of alcohol or tobacco;

(b) Purchasing a WIC check for partial value and redeeming at full value (commonly referred to as trafficking or discounting);

(c) Redeeming a WIC check for the purchase of nonfood items;

(d) Using a pattern of overcharging;

(e) Noncomplying in a same or similar nature following notification and the opportunity for correction;

(f) Being disqualified from the food stamp program by the food and consumer service.

(10) The WIC program shall disqualify the retailer from the WIC program for a specified period of time, not to

exceed three years. At the end of the disqualification period, the retailer must reapply to be considered for authorization.

(11) Prior to disqualifying a retailer, the WIC program shall consider whether the disqualification would create undue hardships for WIC clients. In these cases, the WIC program may agree on a monetary penalty in lieu of disqualification.

(12) A contractor who fails to give the specified notice of closure, a change in ownership, retailer name, and/or location shall be liable for resultant costs incurred by the WIC program.

[Statutory Authority: RCW 43.70.120. 97-16-117, § 246-790-100, filed 8/6/97, effective 9/6/97; 92-22-036 (Order 314), § 246-790-100, filed 10/27/92, effective 11/27/92. Statutory Authority: RCW 43.20A.550. 91-01-097 (Order 3117), recodified as § 246-790-100, filed 12/18/90, effective 1/18/91; 90-12-112 (Order 2960), § 388-19-035, filed 6/6/90, effective 7/7/90; 88-14-037 (Order 2638), § 388-19-035, filed 6/30/88.]

WAC 246-790-110 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-790-120 How do I appeal a WIC decision I don't agree with? (1) The contractor may appeal notice of denial of payment, denial of authorization, monetary penalty, reimbursement, or disqualification. Expiration and nonrenewal of a WIC contract is not subject to appeal.

(2) When the action being appealed is disqualification, the retailer shall cease redeeming WIC checks effective the date specified in the notice and shall not accept WIC checks during the appeal period. Payments shall not be made for any WIC checks redeemed by a retailer during a period of disqualification.

(3) A request for an appeal hearing shall be in writing and:

(a) State the issue raised;

(b) Contain a summary of the contractor's position on the issue, indicating whether each charge is admitted, denied, or not contested;

(c) State the name and address of the contractor requesting the appeal hearing;

(d) State the name and address of the attorney representing the contractor, if applicable;

(e) State the contractor's need for an interpreter or other special accommodations, if necessary; and

(f) Have a copy of the notice from the program attached.

(4) A request for an appeal hearing shall be filed at the Office of Professional Standards (OPS), Department of Health, P.O. Box 47872, Olympia, WA 98504-7872. The request shall be made within twenty days of the date the contractor received the notice.

(5) The decision concerning the appeal shall be made within sixty days from the date the request for an appeal hearing was received by the office of professional standards (OPS). The time shall be extended by as many days as the contractor requests, assents to, or necessitates a delay in the proceedings with due cause.

[Statutory Authority: RCW 43.70.120. 97-16-117, § 246-790-120, filed 8/6/97, effective 9/6/97; 92-22-036 (Order 314), § 246-790-120, filed 10/27/92, effective 11/27/92. Statutory Authority: RCW 43.20A.550. 91-01-097 (Order 3117), recodified as § 246-790-120, filed 12/18/90, effective 1/18/91; 90-12-112 (Order 2960), § 388-19-045, filed 6/6/90, effective

7/7/90; 88-18-022 (Order 2681), § 388-19-045, filed 8/30/88; 88-14-037 (Order 2638), § 388-19-045, filed 6/30/88.]

WAC 246-790-130 How does the WIC program get input from the food industry? (1) The WIC program may establish a retailer advisory committee for the purpose of soliciting input on policies, procedures, and other matters pertinent to retailer participation in the WIC program.

(2) The retailer advisory committee shall meet at least two times per year.

(3) The membership of the retailer advisory committee will consist of representation of at least the following:

(a) The Washington food industries;

(b) Manager or checker trainer from a large chain;

(c) Manager or checker trainer from a small chain;

(d) Minority-owned retailer;

(e) Instructor of a checker training program with a technical college;

(f) Local WIC agency staff person;

(g) Current or former WIC client;

(h) Administrative representative, such as loss prevention or risk manager or human resources representative, from any size retailer;

(i) Owner of an independent retailer (single store); and

(j) A military commissary.

[Statutory Authority: RCW 43.70.120. 97-16-117, § 246-790-130, filed 8/6/97, effective 9/6/97; 92-22-036 (Order 314), § 246-790-130, filed 10/27/92, effective 11/27/92. Statutory Authority: RCW 43.20A.550. 91-01-097 (Order 3117), recodified as § 246-790-130, filed 12/18/90, effective 1/18/91; 88-18-022 (Order 2681), § 388-19-050, filed 8/30/88; 88-14-037 (Order 2638), § 388-19-050, filed 6/30/88.]

Chapter 246-808 WAC

CHIROPRACTIC QUALITY ASSURANCE COMMISSION

WAC

246-808-410 Repealed.

246-808-525 Repealed.

246-808-530 Repealed.

246-808-710 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-808-410 Disparaging other practitioners. [Statutory Authority: Chapter 18.25 RCW. 96-16-074, § 246-808-410, filed 8/6/96, effective 9/6/96.] Repealed by 97-20-163, filed 10/1/97, effective 11/1/97. Statutory Authority: Chapter 18.25 RCW.

246-808-525 Health food store ownership. [Statutory Authority: Chapter 18.25 RCW. 96-16-074, § 246-808-525, filed 8/6/96, effective 9/6/96.] Repealed by 97-20-163, filed 10/1/97, effective 11/1/97. Statutory Authority: Chapter 18.25 RCW.

246-808-530 Vitamins, minerals and food supplements. [Statutory Authority: Chapter 18.25 RCW. 96-16-074, § 246-808-530, filed 8/6/96, effective 9/6/96.] Repealed by 97-20-163, filed 10/1/97, effective 11/1/97. Statutory Authority: Chapter 18.25 RCW.

246-808-710 Professional standards review organizations. [Statutory Authority: Chapter 18.25 RCW. 96-16-074, § 246-808-710, filed 8/6/96, effective 9/6/96.] Repealed by 97-20-163, filed 10/1/97, effective 11/1/97. Statutory Authority: Chapter 18.25 RCW.

WAC 246-808-410 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-808-525 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-808-530 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-808-710 Repealed. See Disposition Table at beginning of this chapter.

Chapter 246-810 WAC COUNSELORS

WAC

246-810-010	Definitions.
246-810-020	Expiration of registration or certification.
246-810-022	Current address.
246-810-030	Client disclosure information.
246-810-031	Required disclosure information.
246-810-032	Failure to provide client disclosure information.
246-810-035	Recordkeeping and retention.
246-810-040	Reporting of suspected abuse or neglect of a child, dependent adult, or a developmentally disabled person.
246-810-045	Fees paid in advance.
246-810-049	Sexual misconduct.
246-810-050	Repealed.
246-810-060	Mandatory reporting.
246-810-061	Health care institutions.
246-810-062	Counselor associations or societies.
246-810-063	Health care service contractors and disability insurance carriers.
246-810-064	Professional liability carriers.
246-810-065	Courts.
246-810-066	State and federal agencies.
246-810-070	Cooperation with investigation.
246-810-080	AIDS prevention and information education requirements.
246-810-110	Definitions.
246-810-120	Qualifications not met—Appeal.
246-810-130	Canceled certification—Reapplication.
246-810-140	Temporary retirement.
246-810-310	Definitions.
246-810-320	Education requirements—Degree equivalents.
246-810-321	Program equivalency.
246-810-330	Repealed.
246-810-331	Repealed.
246-810-332	Supervised postgraduate experience.
246-810-334	Approved supervisor—Qualifications.
246-810-340	Examination.
246-810-345	Examination appeal procedures.
246-810-348	Certification of persons credentialed out-of-state.
246-810-350	Repealed.
246-810-360	Repealed.
246-810-361	Repealed.
246-810-362	Repealed.
246-810-363	Repealed.
246-810-364	Repealed.
246-810-365	Repealed.
246-810-366	Repealed.
246-810-370	Repealed.
246-810-380	Repealed.
246-810-510	Definitions.
246-810-520	Education requirements.
246-810-521	Behavioral sciences—Program equivalency.
246-810-530	Repealed.
246-810-532	Supervised postgraduate experience.
246-810-534	Approved supervisor—Qualifications.

246-810-540	Examination for certified mental health counselors.
246-810-541	Repealed.
246-810-542	Repealed.
246-810-545	Examination appeal procedures.
246-810-548	Certification of persons credentialed out-of-state.
246-810-550	Repealed.
246-810-560	Repealed.
246-810-561	Repealed.
246-810-562	Repealed.
246-810-563	Repealed.
246-810-564	Repealed.
246-810-565	Repealed.
246-810-566	Repealed.
246-810-570	Repealed.
246-810-580	Repealed.
246-810-710	Definitions.
246-810-720	Education requirements.
246-810-721	Education and experience equivalency.
246-810-730	Repealed.
246-810-731	Repealed.
246-810-732	Supervised postgraduate experience.
246-810-734	Approved supervisor—Qualifications.
246-810-740	Examination required.
246-810-741	Repealed.
246-810-745	Examination appeal procedures.
246-810-748	Certification of persons credentialed out-of-state.
246-810-750	Repealed.
246-810-760	Repealed.
246-810-761	Repealed.
246-810-762	Repealed.
246-810-763	Repealed.
246-810-764	Repealed.
246-810-765	Repealed.
246-810-766	Repealed.
246-810-770	Repealed.
246-810-780	Repealed.
246-810-990	Fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-810-050	General provisions. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-050, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-190-060, filed 6/30/89.] Repealed by 97-17-113, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 18.19.050(1).
246-810-330	Supervision. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-330, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.19.050. 88-11-079 (Order PM 729), § 308-220-050, filed 5/18/88.] Repealed by 97-17-113, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 18.19.050(1).
246-810-331	Supervisor qualifications. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-331, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.19.050. 88-11-079 (Order PM 729), § 308-220-060, filed 5/18/88.] Repealed by 97-17-113, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 18.19.050(1).
246-810-350	General provisions. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-350, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-220-090, filed 6/30/89.] Repealed by 97-17-113, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 18.19.050(1).
246-810-360	Mandatory reporting. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-360, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-220-100, filed 6/30/89.] Repealed by 97-17-113,

- filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 18.19.050(1).
- 246-810-361 Health care institutions. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-361, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-220-110, filed 6/30/89.] Repealed by 97-17-113, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 18.19.050(1).
- 246-810-362 Marriage and family therapist associations or societies. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-362, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-220-120, filed 6/30/89.] Repealed by 97-17-113, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 18.19.050(1).
- 246-810-363 Health care service contractors and disability insurance carriers. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-363, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-220-130, filed 6/30/89.] Repealed by 97-17-113, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 18.19.050(1).
- 246-810-364 Professional liability carriers. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-364, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-220-140, filed 6/30/89.] Repealed by 97-17-113, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 18.19.050(1).
- 246-810-365 Courts. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-365, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-220-150, filed 6/30/89.] Repealed by 97-17-113, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 18.19.050(1).
- 246-810-366 State and federal agencies. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-366, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-220-160, filed 6/30/89.] Repealed by 97-17-113, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 18.19.050(1).
- 246-810-370 Cooperation with investigation. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-370, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-220-170, filed 6/30/89.] Repealed by 97-17-113, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 18.19.050(1).
- 246-810-380 AIDS prevention and information education requirements. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-380, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-220-200, filed 11/2/88.] Repealed by 97-17-113, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 18.19.050(1).
- 246-810-530 Mental health counselors—Professional experience requirement prior to examination for certification. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-530, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.19.120. 89-14-071 (Order PM 841), § 308-210-045, filed 6/30/89.] Repealed by 97-17-113, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 18.19.050(1).
- 246-810-541 Applicants with graduate degree by January 26, 1989. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-541, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.19.120. 89-14-071 (Order PM 841), § 308-210-046, filed 6/30/89.] Repealed by 97-17-113, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 18.19.050(1).
- 246-810-542 Examination waiver eligibility. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-542, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.19.050(1). 88-11-025 (Order PM 730), § 308-210-030, filed 5/1/88.] Repealed by 97-17-113, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 18.19.050(1).
- 246-810-550 General provisions. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-550, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-210-080, filed 6/30/89.] Repealed by 97-17-113, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 18.19.050(1).
- 246-810-560 Mandatory reporting. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-560, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-210-090, filed 6/30/89.] Repealed by 97-17-113, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 18.19.050(1).
- 246-810-561 Health care institutions. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-561, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-210-100, filed 6/30/89.] Repealed by 97-17-113, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 18.19.050(1).
- 246-810-562 Mental health counselor associations or societies. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-562, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-210-110, filed 6/30/89.] Repealed by 97-17-113, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 18.19.050(1).
- 246-810-563 Health care service contractors and disability insurance carriers. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-563, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-210-120, filed 6/30/89.] Repealed by 97-17-113, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 18.19.050(1).
- 246-810-564 Professional liability carriers. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-564, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-210-130, filed 6/30/89.] Repealed by 97-17-113, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 18.19.050(1).
- 246-810-565 Courts. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-565, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-210-140, filed 6/30/89.] Repealed by 97-17-113, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 18.19.050(1).
- 246-810-566 State and federal agencies. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-566, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-210-150, filed 6/30/89.] Repealed by 97-17-113, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 18.19.050(1).
- 246-810-570 Cooperation with investigation. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-570, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-210-160, filed 6/30/89.] Repealed by 97-17-113, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 18.19.050(1).
- 246-810-580 AIDS prevention and information education requirements. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-580, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-210-200, filed 11/2/88.]

- Repealed by 97-17-113, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 18.19.050(1).
- 246-810-730 Supervision requirements. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-730, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.19.050. 88-11-078 (Order PM 727), § 308-230-040, filed 5/18/88.] Repealed by 97-17-113, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 18.19.050(1).
- 246-810-731 Education and supervision equivalency. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-731, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.19.050. 88-11-078 (Order PM 727), § 308-230-030, filed 5/18/88.] Repealed by 97-17-113, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 18.19.050(1).
- 246-810-741 Certification of persons credentialed out-of-state. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-741, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.19.050. 88-11-078 (Order PM 727), § 308-230-050, filed 5/18/88.] Repealed by 97-17-113, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 18.19.050(1).
- 246-810-750 General provisions. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-750, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-230-060, filed 6/30/89.] Repealed by 97-17-113, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 18.19.050(1).
- 246-810-760 Mandatory reporting. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-760, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-230-070, filed 6/30/89.] Repealed by 97-17-113, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 18.19.050(1).
- 246-810-761 Health care institutions. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-761, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-230-080, filed 6/30/89.] Repealed by 97-17-113, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 18.19.050(1).
- 246-810-762 Social worker associations or societies. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-762, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-230-090, filed 6/30/89.] Repealed by 97-17-113, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 18.19.050(1).
- 246-810-763 Health care service contractors and disability insurance carriers. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-763, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-230-100, filed 6/30/89.] Repealed by 97-17-113, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 18.19.050(1).
- 246-810-764 Professional liability carriers. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-764, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-230-110, filed 6/30/89.] Repealed by 97-17-113, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 18.19.050(1).
- 246-810-765 Courts. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-765, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-230-120, filed 6/30/89.] Repealed by 97-17-113, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 18.19.050(1).
- 246-810-766 State and federal agencies. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-766, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-230-130, filed 6/30/89.] Repealed by 97-17-113, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 18.19.050(1).
- 246-810-770 Cooperation with investigation. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-770, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-230-140, filed 6/30/89.] Repealed by 97-17-113, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 18.19.050(1).
- 246-810-780 AIDS prevention and information education requirements. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-780, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-230-200, filed 11/2/88.] Repealed by 97-17-113, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 18.19.050(1).

WAC 246-810-010 Definitions. The following terms are defined within the meaning of this chapter.

(1) "Counselor" means and includes any registered counselor or registered hypnotherapist, certified marriage and family therapist, certified mental health counselor, or certified social worker regulated under chapter 18.19 RCW.

(2) "Certified counselor" means a certified marriage and family therapist, certified mental health counselor, or certified social worker regulated pursuant to chapter 18.19 RCW.

(3) "Department" means the department of health, whose address is:

Department of Health
Health Professions Quality Assurance Division
P.O. Box 47869
Olympia, Washington 98504-7869

(4) "Fee" as referred to in RCW 18.19.030 means compensation received by the counselor for counseling services provided, regardless of the source.

(5) "Hospital" means any health care institution licensed according to chapter 70.41 RCW.

(6) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(7) "Similarly regulated" as referred to in RCW 18.19.040(1) means individuals who are currently registered, certified, or licensed under other laws of this state wherein disciplinary standards defining acts of unprofessional conduct apply to each individual under the regulation.

(8) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

[Statutory Authority: RCW 18.19.050(1). 97-17-113, § 246-810-010, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-010, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.19.060. 89-14-070 (Order PM 840), § 308-190-030, filed 6/30/89. Statutory Authority: RCW 18.19.050. 88-11-024 (Order PM 728), § 308-190-030, filed 5/1/88.]

WAC 246-810-020 Expiration of registration or certification. (1) A registration or certification shall expire on the registered or certified counselor's first birthday following the date of initial issue. If the counselor's next birthday is within ninety days of the initial date of issue, the registration or certification will expire on the counselor's second birthday following original issue. Thereafter, it is the responsibility of the counselor to renew each year on or

no sooner than sixty days before, the birthdate of the registered or certified counselor.

(2) Before the expiration date of a registration or certification, a courtesy renewal notice is mailed to the address on file of every person holding a current registration or certification. The counselor is responsible for renewing the registration or certification, regardless of whether the counselor receives the courtesy notice.

(3) Any renewal postmarked or given to department staff after midnight on the expiration date is late and is subject to a late renewal penalty fee in addition to the annual renewal fee. There is no grace period.

(4) Practicing counseling with an expired or canceled registration or certification is unprofessional conduct as defined in RCW 18.130.180(7) and 18.130.190.

[Statutory Authority: RCW 18.19.050(1), 97-17-113, § 246-810-020, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 43.70.250, 93-14-011, § 246-810-020, filed 6/24/93, effective 7/25/93. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-810-020, filed 12/27/90, effective 1/31/91. Statutory Authority: 1987 c 512 § 10, 87-21-011 (Order PM 686), § 308-190-020, filed 10/9/87.]

WAC 246-810-022 Current address. (1) All counselor applicants and all registered or certified counselors must provide a current mailing address at the time of making application, reapplication, or renewal. The address may be either home or business.

(2) It is the responsibility of each counselor or applicant to notify the counselors section of the department of any change in the address provided to the department. Such notification may be made by telephone, fax or by mail, but it is the counselor's or applicant's responsibility to confirm that such a change has taken place.

(3) Nothing in this section shall relieve a counselor of responsibility to provide the department with a current address as required by WAC 246-01-100.

[Statutory Authority: RCW 18.19.050(1), 97-17-113, § 246-810-022, filed 8/20/97, effective 9/20/97.]

WAC 246-810-030 Client disclosure information. Counselors must provide disclosure information to each client in accordance with chapter 18.19 RCW prior to implementation of a treatment plan. The disclosure information must be specific to the type of counseling service offered; in language that can be easily understood by the client; and contain sufficient detail to enable the client to make an informed decision whether or not to accept treatment from the disclosing counselor.

Firms, agencies, or businesses having more than one counselor involved in a client's treatment, may provide disclosure information general to that agency. In these cases, the counselor would not be required to duplicate the information disclosed by the agency.

The disclosure information may be printed in a format of the counselor's choosing, but must include all required disclosure information per WAC 246-810-031.

[Statutory Authority: RCW 18.19.050(1), 97-17-113, § 246-810-030, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-810-030, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.19.060, 89-14-070 (Order PM 840), § 308-190-040, filed 6/30/89. Statutory Authority: RCW 18.19.050, 88-11-024 (Order PM 728), § 308-190-040, filed 5/11/88.]

WAC 246-810-031 Required disclosure information.

(1) The following information shall be provided to each counseling client:

(a) Name of firm, agency, business, or counselor's practice.

(b) Counselor's business address and telephone number.

(c) Washington state registration or certification number.

(d) The counselor's name and type of counseling they provide.

(e) The methods or techniques the counselor uses.

(f) The counselor's education, training, and experience.

(g) The course of treatment where known.

(h) Billing information, including:

(i) Client's cost per each counseling session;

(ii) Billing practices, including any advance payments and refunds.

(i) The following language must appear on every client's disclosure statement:

"Counselors practicing counseling for a fee must be registered or certified with the department of health for the protection of the public health and safety. Registration of an individual with the department does not include a recognition of any practice standards, nor necessarily implies the effectiveness of any treatment."

(j) Clients are to be informed of the purpose of the Counselor Credentialing Act. The purpose of the law regulating counselors is: (A) To provide protection for public health and safety; and (B) to empower the citizens of the state of Washington by providing a complaint process against those counselors who would commit acts of unprofessional conduct.

(k) Clients are to be informed that they as individuals have the right to choose counselors who best suit their needs and purposes. (This subsection is not intended to provide new rights by superseding those adopted by previous statutes.)

(l) Clients are to be informed of the extent of confidentiality provided by RCW 18.19.180 (1) through (6).

(m) Clients are to be provided a list of or copy of the acts of unprofessional conduct in RCW 18.130.180 with the name, address, and contact telephone within the department of health.

(2) Signatures are required of both the counselor providing the disclosure information and the client following a statement that the client had been provided a copy of the required disclosure information and the client has read and understands the information provided. The date of signature by each party is to be included at the time of signing.

(3) The department of health publishes a brochure for the education and assistance of the public. The department brochure may be photocopied and provided to each client in conjunction with the disclosure information required in this section. The brochure published by the department is insufficient, by itself, to meet the requirements of this section.

[Statutory Authority: RCW 18.19.050(1), 97-17-113, § 246-810-031, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-810-031, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.19.060, 89-14-070 (Order PM 840), § 308-190-041, filed 6/30/89.]

WAC 246-810-032 Failure to provide client disclosure information. Failure to provide to the client any of the disclosure information as set forth in WAC 246-810-030 and 246-810-031, and as required by the law shall constitute an act of unprofessional conduct as defined in RCW 18.130.180(7).

[Statutory Authority: RCW 18.19.050(1). 97-17-113, § 246-810-032, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-032, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.19.050. 88-11-024 (Order PM 728), § 308-190-050, filed 5/11/88.]

WAC 246-810-035 Recordkeeping and retention.

(1) The counselor providing professional services to a client or providing services billed to a third-party payor, shall document services, except as provided in subsection (2) of this section. The documentation shall include:

- (a) Client name;
- (b) The fee arrangement and record of payments;
- (c) Dates counseling was received;
- (d) Disclosure form, signed by counselor and client;
- (e) The presenting problem(s), purpose or diagnosis;
- (f) Notation and results of formal consults, including information obtained from other persons or agencies through a release of information;

(g) Progress notes sufficient to support responsible clinical practice for the type of theoretical orientation/therapy the counselor uses.

(2) If a client requests that no treatment records be kept, and the counselor agrees to the request, the request must be in writing and only the following must be retained:

- (a) Client name;
- (b) Fee arrangement and record of payments;
- (c) Dates counseling was received;
- (d) Disclosure form, signed by counselor and client;
- (e) Written request that no records be kept.

(3) The counselor must not agree to the request if maintaining records is required by other state or federal law.

(4) All records must be kept for a period of five years following the last visit. Within this five-year period, all records must be maintained safely, with properly limited access.

Special provisions must be made for the retention or transfer of active or inactive records from clients last seen inside of five years; and for continuity of services in the event of a counselor going out of business, death or incapacitation. Such special provisions may be made in a will or by having another counselor review records with a client and recommend a course of action; or other appropriate means as determined by the counselor.

[Statutory Authority: RCW 18.19.050(1). 97-17-113, § 246-810-035, filed 8/20/97, effective 9/20/97.]

WAC 246-810-040 Reporting of suspected abuse or neglect of a child, dependent adult, or a developmentally disabled person. As required by chapter 26.44 RCW, all counselors must report abuse or neglect of a child, dependent adult, or developmentally disabled person when they have reasonable cause to believe that such an incident has occurred.

The report shall be made to the local law enforcement

agency or to the department of social and health services at the first opportunity, but no longer than forty-eight hours after there is reasonable cause to believe that the child or adult has suffered abuse or neglect.

[Statutory Authority: RCW 18.19.050(1). 97-17-113, § 246-810-040, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-040, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.19.060. 89-14-070 (Order PM 840), § 308-190-042, filed 6/30/89.]

WAC 246-810-045 Fees paid in advance. (1) Any practice of collecting fees in advance, as well as refund policies, must be disclosed in accordance with WAC 246-810-031 to the client before any funds are collected.

(2) Counselors who collect fees in advance of the service provided must separate such funds from operating/expense funds. Failure to properly account for such funds may be a violation of the Securities Act, RCW 21.20.005. These fees may not be expended by the counselor until such time as the service is provided. Any funds left in the account, for which services were not rendered, must be returned to the client within thirty days of the request by the client for return of the funds.

(3) Room rental fees or similar expenses (i.e., as relates to group therapy), are not considered fees paid in advance.

[Statutory Authority: RCW 18.19.050(1). 97-17-113, § 246-810-045, filed 8/20/97, effective 9/20/97.]

WAC 246-810-049 Sexual misconduct. (1) A counselor shall not engage in sexual contact or sexual activity with current clients.

(2) Counselors shall not accept as patients or clients individuals with whom they have engaged in sexual contact or activity.

(3) A counselor shall not engage in sexually harassing or demeaning behavior with clients.

(4) Sexual contact or activity with a client, or an individual who has been a client within the past two years, constitutes unprofessional conduct.

(5) Counselors shall never engage in sexual contact or activity with former clients, if such contact or activity involves the abuse of the counselor-client relationship.

(a) The department may consider the following factors in evaluating if the counselor-client relationship has been abusive:

(i) The amount of time that has passed where there is no contact of any kind between counselor and client since therapy terminated;

(ii) The nature and duration of the therapy;

(iii) The circumstances of cessation or termination of therapy;

(iv) The client's personal history;

(v) The client's current mental status, emotional dependence and vulnerability;

(vi) The likelihood of adverse impact on the client and others; and

(vii) Any statements or actions made by the counselor during the course of therapy suggesting or inviting the possibility of a post termination sexual or romantic relationship with the client.

(b) If a counselor engages in sexual contact or activity

with a client more than two years after the last therapeutic session, the counselor has had no contact with the client during the two-year period, and the sexual activity is not abusive of the counselor-client relationship the department will not consider the relationship to be unprofessional conduct.

[Statutory Authority: RCW 18.19.050(1). 97-17-113, § 246-810-049, filed 8/20/97, effective 9/20/97.]

WAC 246-810-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-810-060 Mandatory reporting. (1) All reports required by this chapter shall be submitted to the department as soon as possible, but no later than twenty days after a determination is made.

(2) Reports made in accordance with WAC 246-810-061, 246-810-062, 246-810-063, and 246-810-064 should contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name, address and telephone number of the counselors being reported.

(c) The case number of any client or patient whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

(3) Mandatory reports shall be exempt from public inspection and copying to the extent permitted under chapter 42.17 RCW.

(4) A person is immune from civil liability, whether direct or derivative, for providing information to the department pursuant to RCW 18.130.070.

[Statutory Authority: RCW 18.19.050(1). 97-17-113, § 246-810-060, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-060, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-190-070, filed 6/30/89.]

WAC 246-810-061 Health care institutions. The chief administrator or executive officer or their designee of any hospital, nursing home, chemical dependency treatment programs as defined in chapter 70.96A RCW, drug treatment agency as defined in chapter 69.54 RCW, and public and private mental health treatment agencies as defined in RCW 71.05.020 (6) and (7), and 71.24.025(3), shall report to the department when any counselor's services are terminated or are restricted based upon a determination that the counselor has committed an act which may constitute unprofessional conduct or that the counselor may be unable to practice with reasonable skill or safety to clients by reason of a mental or physical condition. Reports are to be made in accordance with WAC 246-810-060.

[Statutory Authority: RCW 18.19.050(1). 97-17-113, § 246-810-061, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 43.70.040. 91-02-

049 (Order 121), recodified as § 246-810-061, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-190-080, filed 6/30/89.]

WAC 246-810-062 Counselor associations or societies. The president or chief executive officer of any counselor association or society within this state shall report to the department when the association or society determines that a registered or certified counselor has committed unprofessional conduct or that a counselor may not be able to practice counseling with reasonable skill and safety to clients as the result of any mental or physical condition. The report required by this section shall be made without regard to whether the counselor appeals, accepts, or acts upon the determination made by the association or society. Notification of appeal shall be included. Reports are to be made in accordance with WAC 246-810-060.

[Statutory Authority: RCW 18.19.050(1). 97-17-113, § 246-810-062, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-062, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-190-090, filed 6/30/89.]

WAC 246-810-063 Health care service contractors and disability insurance carriers. The executive officer of every health care service contractor and disability insurer, licensed under chapters 48.20, 48.21, 48.21A, and 48.44 RCW, operating in the state of Washington shall report to the department all final determinations that a counselor has engaged in fraud in billing for services. Reports are to be made in accordance with WAC 246-810-060.

[Statutory Authority: RCW 18.19.050(1). 97-17-113, § 246-810-063, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-063, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-190-100, filed 6/30/89.]

WAC 246-810-064 Professional liability carriers. Every institution or organization providing professional liability insurance directly or indirectly to counselors shall send a complete report to the department of any malpractice settlement, award, or payment in excess of twenty thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured counselor's incompetency or negligence in the practice of counseling. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a twelve-month period as a result of the counselor's alleged incompetence or negligence in the practice of counseling. Reports are to be made in accordance with WAC 246-810-060.

[Statutory Authority: RCW 18.19.050(1). 97-17-113, § 246-810-064, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-064, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-190-110, filed 6/30/89.]

WAC 246-810-065 Courts. The department requests the assistance of the clerk of trial courts within the state to report all professional malpractice judgments and all convictions of counselors, other than minor traffic violations.

[Statutory Authority: RCW 18.19.050(1). 97-17-113, § 246-810-065, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-065, filed 12/27/90, effective

1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-190-120, filed 6/30/89.]

WAC 246-810-066 State and federal agencies. The department requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a counselor is employed to provide client care services, to report to the department whenever such a counselor has been judged to have demonstrated his/her incompetency or negligence in the practice of counseling, or has otherwise committed unprofessional conduct, or may not be able to practice with reasonable skill and safety by reason of any mental or physical condition. These requirements do not supersede any federal or state law.

[Statutory Authority: RCW 18.19.050(1). 97-17-113, § 246-810-066, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-066, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-190-130, filed 6/30/89.]

WAC 246-810-070 Cooperation with investigation.

(1) A counselor must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the secretary of the department of health by submitting the requested items within fourteen calendar days of receipt of the request by either the counselor or their attorney, whichever is first. If the counselor fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may grant a one-time extension for response if needed. Any other requests for extension of time may be granted by the secretary or the secretary's designee.

(3) If the counselor fails to comply with the request within three business days after receiving the reminder, a statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

[Statutory Authority: RCW 18.19.050(1). 97-17-113, § 246-810-070, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-070, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-190-140, filed 6/30/89.]

WAC 246-810-080 AIDS prevention and information education requirements. (1) Definitions.

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

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

(2) Persons applying for registration or certification must submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (3) of this section.

(3) AIDS education and training.

(a) Acceptable education and training. The director will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such

education and training shall be a minimum of four clock hours and shall include, but is not limited to: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Documentation. The applicant must:

(i) Certify, on forms provided, that the minimum education and training was completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the training;

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

[Statutory Authority: RCW 18.19.050(1). 97-17-113, § 246-810-080, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-080, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-190-200, filed 11/2/88.]

WAC 246-810-110 Definitions. The following terms apply to the remainder of this chapter:

(1) "Counseling internship" is defined as supervised mental health counseling, marriage and family therapy and social work performed through counseling field placement while acquiring a master's or doctoral degree.

(2) "Counseling practicum" is defined as mental health counseling, marriage and family therapy and social work that is supervised as a part of a course.

(3) "Distance learning" means correspondence, computer, audio, video, or teleconference courses.

(4) "Formal meeting" is defined as conversations with an approved supervisor to discuss supervisee's cases. The formal meeting is usually a period of approximately one hour and focuses on the raw data from a supervisee's postgraduate experience, which may be made available to the supervisor through such means as direct observation, cotherapy, written clinical notes and audio and video recordings. Formal meetings, as defined here, take place during the supervised postgraduate experience and may be in the form of individual formal meetings or group formal meetings:

(a) "Individual formal meeting" is defined as a meeting with an approved supervisor, involving one supervisor and no more than two supervisees.

(b) "Group formal meeting" is defined as sessions of one or more supervisors meeting with no more than six supervisees.

(5) "Marriage and family therapist" is a counselor who practices that aspect of counseling described in RCW 18.19.130(2).

(6) "Mental health counselor" is a counselor who practices that aspect of counseling as described in RCW 18.19.120(2).

(7) "Social worker" is a counselor who practices that aspect of counseling described in RCW 18.19.110(3).

(8) "Official transcript" is defined as the transcript from the graduate school, in an envelope readily identified as having been sealed by the school.

(9) "Supervised postgraduate experience" is the post-master's degree practice as referred to in RCW 18.19.110 (1)(b) and the postgraduate practices as referred to in RCW 18.19.120 (1)(b) and RCW 18.19.130 (1)(b), and is the

experience received under an approved supervisor after the master's or doctoral degree is acquired. A practicum or internship done while acquiring the degree is not applicable. The total number of counseling hours must be accumulated over a minimum twenty-four-month period. Accumulation of professional experience is not required to be consecutive.

[Statutory Authority: RCW 18.19.050(1). 97-17-113, § 246-810-110, filed 8/20/97, effective 9/20/97.]

WAC 246-810-120 Qualifications not met—Appeal.

(1) An applicant notified by the department as not meeting qualifications for state certification may request an informal review and an outline of requirements met or not met by making such request to the department in writing.

(2) The department will provide the applicant with an outline and the process for an appeal.

(3) After receiving the breakdown, the applicant may appeal the department's decision by submitting a letter requesting a brief adjudicative proceeding. The letter must clearly state the specific reason for the appeal and how the department was in error. The applicant must cite the law or rule on which the appeal is based.

(4) Following the brief adjudicative proceeding, the department will render a decision and notify the applicant in writing of the results.

[Statutory Authority: RCW 18.19.050(1). 97-17-113, § 246-810-120, filed 8/20/97, effective 9/20/97.]

WAC 246-810-130 Canceled certification—Reapplication. If a certification has been expired for three years or more, the certification is canceled. The certified counselor must reapply with the department, pay any current fees, and may be required to meet all the requirements of a new applicant. This section does not apply to anyone in a temporary retirement status.

[Statutory Authority: RCW 18.19.050(1). 97-17-113, § 246-810-130, filed 8/20/97, effective 9/20/97.]

WAC 246-810-140 Temporary retirement. Temporary retirement means a certified counselor who desires to place their certification in a nonpracticing status. The following applies only to counselors whose certification is active:

- (1) Request must be made in writing.
- (2) While in temporary retirement, the counselor:
 - (a) May not represent him/herself as "certified"; and
 - (b) Is not required to pay certification renewal fees.

(3) Reinstatement of the certification requires written notification to the department within five years of temporary retirement, and compliance with any applicable continuing education requirements, renewal requirements and fees in place at the time.

(4) If renewal is not made within five years of expiration, the counselor must reapply with the department, pay any current fees, provide evidence of current knowledge and skill and may be required to meet all the requirements of a new applicant.

(5) A certified counselor may let the certification lapse and practice under another certification or as a registered counselor.

[Statutory Authority: RCW 18.19.050(1). 97-17-113, § 246-810-140, filed 8/20/97, effective 9/20/97.]

WAC 246-810-310 Definitions. The following terms apply to the certification of marriage and family therapists.

(1) "Approved school" means:

(a) Any college or university accredited by a national or regional accrediting body recognized by the commission on recognition of postsecondary accreditation or its successor; or

(b) A program accredited by the commission on accreditation for marriage and family therapy education, at the time the applicant completed the required education.

(2) "Approved supervisor" is an individual who meets the education and experience requirements described in WAC 246-810-334.

(3) "Marriage and family treatment" includes the evaluation and diagnosis of individual, marital, family functioning, and psychopathology.

(4) "Treatment" is a process that is derived from a systemic or interactional theoretical orientation where psychotherapy is employed to improve the individual, marital, and family functioning.

(5) "Program equivalency" is graduate level courses the content of which compares to coursework required for achievement of a master's or doctoral degree in marriage and family therapy.

[Statutory Authority: RCW 18.19.050(1). 97-17-113, § 246-810-310, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-310, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.19.050. 89-04-003 (Order PM 817), § 308-220-010, filed 1/19/89; 88-11-079 (Order PM 729), § 308-220-010, filed 5/18/88.]

WAC 246-810-320 Education requirements—Degree equivalents. (1) To meet the education requirement of RCW 18.19.130, an applicant must possess a master's or doctoral degree in marriage and family therapy or a behavioral science master's or doctoral degree with equivalent coursework from an approved school. An official transcript must be provided as evidence of fulfillment of the coursework required.

(2) The following are considered to be equivalent to a master's or doctoral degree in marriage and family therapy from an approved school:

(a) A doctoral or master's degree from an approved school in any of the behavioral sciences that shows evidence of fulfillment of the coursework requirements set out in WAC 246-810-321; or

(b) A doctoral or master's degree in any of the behavioral sciences from an approved school that shows evidence of partial fulfillment of the equivalent coursework requirements set out in WAC 246-810-321, plus supplemental coursework from an approved school to satisfy the remaining equivalent coursework requirements set out in WAC 246-810-321; or

(3) Applicants who held a behavioral science master or doctoral degree and are completing supplemental coursework through an approved school to satisfy any missing program equivalencies may count any postgraduate experience hours acquired concurrently with the additional coursework.

(4) Anyone who has obtained American Association for Marriage and Family Therapy (AAMFT) clinical membership status is considered to have met the education requirements of this chapter. Verification must be sent directly to the department from the AAMFT.

[Statutory Authority: RCW 18.19.050(1), 97-17-113, § 246-810-320, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-810-320, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.19.050, 89-04-003 (Order PM 817), § 308-220-030, filed 1/19/89; 88-11-079 (Order PM 729), § 308-220-030, filed 5/18/88.]

WAC 246-810-321 Program equivalency.

Coursework equivalent to a master's or doctoral degree in marriage and family therapy shall include graduate level courses in marital and family systems, marital and family therapy, individual development psychopathology, human sexuality, research, professional ethics and law, and supervised clinical practice and electives.

A total of forty-five semester credits and sixty quarter credits are required in all nine areas of study. A minimum of twenty-seven semester credits or thirty-six quarter credits are required in the first five areas of study: Marital and family systems, marital and family therapy, individual development psychopathology, human sexuality, and research. Distribution of the coursework is as follows:

(1) Marital and family systems.

(a) An applicant must have taken at least two courses in marital and family systems. Coursework required is a minimum of six semester credits or eight quarter credits.

(b) Marital and family systems is a fundamental introduction to the systems approach to intervention. The student should learn to think in systems terms on a number of levels across a wide variety of family structures, and regarding a diverse range of presenting problems. While the most intense focus may be on the nuclear family (in both its traditional and alternative forms), models should be taught which integrate information regarding the marital, sibling, and individual subsystems, as well as the family of origin and external societal influences. Developmental aspects of family functioning should also be considered of the family system, it also provides a theoretical basis for treatment strategy. Some material may be drawn from familiar sources such as family sociology, but it should be integrated with recent clinically-oriented systems concepts. Supplemental studies may include family simulation, the observation of well families, and study of the student's family of origin.

(2) Marital and family therapy.

(a) An applicant must have taken at least two courses in marital and family therapy. Coursework required is a minimum of six semester credits or eight quarter credits.

(b) Marital and family therapy is intended to provide a substantive understanding of the major theories of systems change and the applied practices evolving from each orientation. Major theoretical approaches to be surveyed might include strategic, structural, experiential, neoanalytical (e.g., object relations), communications, and behavioral. Applied studies should consider the range of technique associated with each orientation, as well as a variety of treatment structures, including individual, concurrent, collaborative, conjoint marital, marital group, transgenerational, and network therapies.

(3) Individual development.

(a) An applicant must have taken at least one course in individual development. Coursework required is a minimum of two semester credits or three quarter credits.

(b) A course in this area is intended to provide a knowledge of individual personality development and its normal and abnormal manifestations. The student should have relevant coursework in human development across the life span, and in personality theory. An attempt should be made to integrate this material with systems concepts. Several of the courses in this category may be required as prerequisites for some degree programs.

(4) Psychopathology.

(a) An applicant must have taken at least one course in psychopathology. Coursework required is a minimum of two semester credits or three quarter credits.

(b) Psychopathology is the assessment and diagnosis including familiarity with current diagnostic nomenclature, diagnostic categories and the development of treatment strategies.

(5) Human sexuality.

(a) An applicant must have taken at least one course in human sexuality. Coursework required is a minimum of two semester credits or three quarter credits.

(b) Human sexuality includes normal psycho-sexual development, sexual functioning and its physiological aspects and sexual dysfunction and its treatment.

(6) Research.

(a) An applicant must have taken at least one course in research methods. Coursework required is a minimum of three semester credits or four quarter credits.

(b) The research area is intended to provide assistance to students in becoming informed consumers of research in the marital and family therapy field. Familiarity with substantive findings, together with the ability to make critical judgments as to the adequacy of research reports, is expected.

(7) Professional ethics and law.

(a) An applicant must have taken at least one course in professional ethics and law. Coursework required is a minimum of three semester credits or four quarter credits.

(b) This area is intended to contribute to the development of a professional attitude and identity. Areas of study will include professional socialization and the role of the professional organization, licensure or certification legislation, legal responsibilities and liabilities, ethics and family law, confidentiality, independent practice and interprofessional cooperation.

(8) Electives.

(a) An individual must take one course in an elective area. Coursework required is a minimum of three semester credits and four quarter credits.

(b) This area will vary with different institutions but is intended to provide supplemental and/or specialized supporting areas.

(9) Supervised clinical practice.

(a) An applicant may acquire up to nine semester credits or twelve quarter credits through supervised clinical practice in marriage and family therapy under the supervision of a qualified marriage and family therapist as determined by the school;

(b) If an applicant completed a master's or doctoral degree program in marriage and family therapy, or a behavioral science master's or doctoral degree with equivalent coursework, prior to January 1, 1997; and if that degree did not include a supervised clinical practice component, the applicant may substitute the clinical practice component with proof of a minimum of three years postgraduate experience in marriage and family therapy, in addition to the two years supervised postgraduate experience required under WAC 246-810-332(1).

[Statutory Authority: RCW 18.19.050(1), 97-17-113, § 246-810-321, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-810-321, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.19.050, 88-11-079 (Order PM 729), § 308-220-040, filed 5/18/88.]

WAC 246-810-330 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-810-331 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-810-332 Supervised postgraduate experience. (1) To meet the postgraduate practice requirements provided in RCW 18.19.130(1), an applicant must have accomplished a minimum of twenty-four months of postgraduate experience with an approved supervisor, who is responsible for the oversight of the supervisee's continuing clinical practice of marriage and family therapy. Total experience requirements include:

(a) One thousand hours of direct client contact; plus

(b) At least two hundred hours of formal meetings with an approved supervisor. At least one hundred of the two hundred hours must be individual formal meetings. The remaining hours may be in group formal meetings.

(2) Applicants who have completed a master's program accredited by the commission on accreditation for marriage and family therapy education of the AAMFT may be credited with one hundred hours of supervision toward the two hundred hour formal meeting requirement.

(3) Applicant must provide proof of experience on forms provided by the department.

(4) Staff development or orientation, or work done in a classroom, workshop or seminar setting are not applicable toward the supervised postgraduate experience required by this chapter.

(5) Anyone who has obtained American Association for Marriage and Family Therapy (AAMFT) clinical membership status is considered to have met the postgraduate experience requirements of this chapter. Verification must be sent directly to the department of health from the AAMFT.

[Statutory Authority: RCW 18.19.050(1), 97-17-113, § 246-810-332, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-810-332, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.19.050, 88-11-079 (Order PM 729), § 308-220-070, filed 5/18/88.]

WAC 246-810-334 Approved supervisor—Qualifications. (1) "Approved supervisor" (also referred to as "supervisor,") is defined as: A certified marriage and family therapist; or a mental health care provider who meets

or exceeds the requirements of a certified marriage and family therapist in the state of Washington; and who would be eligible to take the examination required for certification. The supervisor must not be a blood or legal relative or cohabitant of the supervisee, supervisee's peer, or someone who has acted as the supervisee's therapist.

(2) The approved supervisor shall meet the following additional experience requirements:

(a) Must have completed at least three years of employment, or private practice, as a professional as defined above; and

(b) Must have at least one year's experience supervising the practice of marriage and family therapy, or the supervision of a practicum or internship.

(c) The one year of supervision may be acquired during the three years of employment or private practice.

(3) An American Association of Marriage and Family Therapy approved supervisor is considered to have met the requirements described in subsections (1) and (2) of this section.

[Statutory Authority: RCW 18.19.050(1), 97-17-113, § 246-810-334, filed 8/20/97, effective 9/20/97.]

WAC 246-810-340 Examination. (1) Examinations must be given to qualified candidates at least once annually as determined by the secretary. Application and application fee must be submitted at least ninety days prior to the scheduled examination date. All other supporting documents, including verification of supervised postgraduate experience, must be submitted sixty days prior to the examination date.

(2) Examinations required.

(a) Applicant must take and pass the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) examination. The passing score on the examination shall be that established by the testing company in conjunction with the AMFTRB.

(b) Applicant will be required to take and pass the written examination on Washington's statutes and rules. The passing score on the examination shall be determined by the secretary.

(3) Applicants who fail one or both of the examination(s) shall submit the current reexamination fee(s).

[Statutory Authority: RCW 18.19.050(1), 97-17-113, § 246-810-340, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-810-340, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.19.050, 88-11-079 (Order PM 729), § 308-220-020, filed 5/18/88.]

WAC 246-810-345 Examination appeal procedures.

(1) The candidate who fails the examination for marriage and family therapist certification may appeal the examination results by requesting a review of the failed examination.

(2) The procedure for informal review of failed state-examination questions is as follows:

(a) The request for a review must be in writing and be postmarked within thirty days from the date of the letter notifying the candidate of the specific examination results.

(b) The department must notify the candidate of time, date and place to personally review incorrect answers on the failed examination. The time and place for such review shall be determined by the department.

(c) At the time of the candidate's review, the department shall provide the candidate's failed questions, indicating the incorrect selections. The candidate shall also be provided a form for completion in defense of the candidate's examination answers. The form, which serves the purpose of requesting an informal appeal, must be completed by the candidate only at the time of the review.

(i) The candidate must be identified only by candidate number for the purpose of the informal review.

(ii) The candidate must state the specific reason(s) why her or his answer(s) should be considered correct.

(d) The following restrictions shall apply during the review:

(i) The candidate must not bring in any resource material for use while completing the review.

(ii) The candidate is not allowed to remove any notes or material from the review site.

(iii) Letters of reference or requests for special consideration will not be considered.

(e) Requests for informal appeal are considered only when sufficient questions are challenged to result in a passing score.

(f) The informal appeal must be reviewed by the department which shall determine whether or not the candidate should be given credit for her or his answer(s) on the examination.

(g) The department must notify the candidate of the informal appeal decision in writing.

(3) The candidate who wishes informal review of the national examination must:

(a) Request hand scoring of the national examination from the department. The request must be in writing and postmarked within thirty days from the date of the letter notifying the candidate of the specific examination results. Upon request from the candidate, the department must provide examination-agency forms to the candidate. The candidate must fill out the form and forward with any required fee to the examination agency. Hand score results will be sent to the department. The department notifies the candidate of the results by letter.

(b) The candidate may request a review of the national examination within ninety days of the date of the exam, by submitting a written request to the department. The department will work with the examination agency to provide the candidate with the opportunity to review the exam in accordance with any review procedures required by the examination agency. The time and place for such review is determined by the department as required by any constraints from the examination agency.

(4) The candidate who is not satisfied with the informal appeal decision may request a formal hearing before a law judge as provided by the Administrative Procedure Act, chapter 34.05 RCW. Such request for formal hearing must be submitted in writing to the department and be postmarked within thirty days from the date on the written notification of the informal appeal decision. The issues raised by the candidate at the formal hearing must be limited to those issues raised by the candidate for consideration in the informal appeal, unless amended by a prehearing order. The department must inform the candidate of the formal appeal

process in writing within twenty days of receipt of the request for formal appeal.

(5) If there is a prehearing conference, the law judge must enter an order which sets forth the actions taken at the conference, including the settlement or simplification of issues. The prehearing order limits the issues for formal hearing to those not disposed of by admission or agreement. Such order controls the subsequent course of the proceeding unless modified by subsequent prehearing order.

[Statutory Authority: RCW 18.19.050(1). 97-17-113, § 246-810-345, filed 8/20/97, effective 9/20/97.]

WAC 246-810-348 Certification of persons credentialed out-of-state. Certification as a Washington state certified marriage and family therapist may be extended to persons credentialed in another jurisdiction.

(1) Applicants must have met the same education and experience as required by Washington state statute, chapter 18.19 RCW, and rules, chapter 246-810 WAC.

(2) Applicants who are currently a clinical member of The American Association for Marriage and Family Therapy (AAMFT) have met the educational and supervised postgraduate experience requirements for Washington state certification and are eligible to take the examination. Documentation of AAMFT status must be sent directly to the department of health from AAMFT.

(3) Examinations.

(a) Applicant must have passed the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) examination. Verification must be provided directly from the jurisdiction in which the applicant took the required examination.

(b) Applicant will be required to take and pass the written examination on Washington's statutes and rules.

(4) The following situations are not considered substantially equal for Washington state certification:

(a) Certification of persons credentialed out-of-state through a state-constructed examination; or

(b) Grandfathering provisions where proof of education, supervised postgraduate experience, or examination was not required.

[Statutory Authority: RCW 18.19.050(1). 97-17-113, § 246-810-348, filed 8/20/97, effective 9/20/97.]

WAC 246-810-350 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-810-360 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-810-361 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-810-362 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-810-363 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-810-364 Repealed. See Disposition Table

at beginning of this chapter.

WAC 246-810-365 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-810-366 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-810-370 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-810-380 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-810-510 Definitions. The following terms apply to the certification of mental health counselors.

(1) "Approved school" means any college or university accredited by a national or regional accrediting body recognized by the commission on recognition of postsecondary accreditation, or its successor, at the time the applicant completed the required education.

(2) "Approved supervisor" is an individual who meets the education and experience requirements described in WAC 246-810-534.

(3) "Program equivalency" is a core of study, the content of which compares to coursework required for achievement of a master's or doctoral degree in mental health counseling.

[Statutory Authority: RCW 18.19.050(1), 97-17-113, § 246-810-510, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-810-510, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.19.120, 89-14-071 (Order PM 841), § 308-210-010, filed 6/30/89. Statutory Authority: RCW 18.19.050, 88-11-025 (Order PM 730), § 308-210-010, filed 5/11/88.]

WAC 246-810-520 Education requirements. (1) To meet the education requirement imposed by RCW 18.19.120, an applicant must possess a master's or doctoral degree in mental health counseling or a behavioral science master's or doctoral degree in a field relating to mental health counseling from an approved school. Fields recognized as relating to mental health counseling may include counseling, psychology, social work, nursing, education, pastoral counseling, rehabilitation counseling, or social sciences. Any field of study qualifying as related to mental health counseling must satisfy coursework equivalency requirements included in WAC 246-810-521. An official transcript must be provided as evidence of fulfillment of the coursework required.

(2) Any supplemental coursework required must be from an approved school.

(3) Applicants who held a behavioral science master or doctoral degree and are completing supplemental coursework through an approved school to satisfy any missing program equivalencies may count any postgraduate experience hours acquired concurrently with the additional coursework.

(4) A person who is a Nationally Certified Counselor (NCC) or a Certified Clinical Mental Health Counselor (CCMHC) through the National Board of Certified Counselors (NBCC) is considered to have met the education requirements of this chapter. Verification must be sent directly to the department from NBCC.

[Statutory Authority: RCW 18.19.050(1), 97-17-113, § 246-810-520, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-810-520, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.19.050, 88-11-025 (Order PM 730), § 308-210-020, filed 5/11/88.]

WAC 246-810-521 Behavioral sciences—Program equivalency. (1) Behavioral science in a field relating to mental health counseling includes a core of study relating to counseling theory and counseling philosophy. Either a counseling practicum, or a counseling internship, or both, must be included in the core of study. Exclusive use of an internship or practicum used for qualification must have incorporated supervised direct client contact. This core of study must include seven content areas from the entire list (a) through (q) of this subsection, five of which must be from content areas (a) through (h) of this subsection:

- (a) Assessment/diagnosis.
- (b) Ethics/law.
- (c) Counseling individuals.
- (d) Counseling groups.
- (e) Counseling couples and families.
- (f) Developmental psychology (may be child, adolescent, adult or life span).
- (g) Psychopathology/abnormal psychology.
- (h) Research and evaluation.
- (i) Career development counseling.
- (j) Multicultural concerns.
- (k) Substance/chemical abuse.
- (l) Physiological psychology.
- (m) Organizational psychology.
- (n) Mental health consultation.
- (o) Developmentally disabled persons.
- (p) Abusive relationships.
- (q) Chronically mentally ill.

[Statutory Authority: RCW 18.19.050(1), 97-17-113, § 246-810-521, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-810-521, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.19.120, 89-14-071 (Order PM 841), § 308-210-050, filed 6/30/89. Statutory Authority: RCW 18.19.050, 88-11-025 (Order PM 730), § 308-210-050, filed 5/11/88.]

WAC 246-810-530 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-810-532 Supervised postgraduate experience. (1) To meet the postgraduate practice requirements provided in RCW 18.19.120(1), an applicant must have accomplished a minimum of twenty-four months of postgraduate experience with an approved supervisor, who is responsible for the oversight of the supervisee's continuing practice of mental health counseling. Total experience requirements include:

(a) Two thousand hours of supervised work experience; at least one thousand of the total hours must be direct client contact; and

(b) One hundred hours of individual formal meetings.

(2) Applicant must provide proof of experience on forms provided by the department.

(3) Staff development or orientation, or work done in a classroom, workshop or seminar setting are not applicable toward the supervised postgraduate experience required by this chapter.

(4) A person who is a Certified Clinical Mental Health Counselor (CCMHC) through the National Board of Certified Counselors (NBCC) is considered to have met the postgraduate experience requirements of this chapter. Verification must be sent directly to the department from NBCC.

[Statutory Authority: RCW 18.19.050(1). 97-17-113, § 246-810-532, filed 8/20/97, effective 9/20/97.]

WAC 246-810-534 Approved supervisor—Qualifications. (1) "Approved supervisor" (also referred to as "supervisor,") is defined as: A certified mental health counselor, certified marriage and family therapist, certified social worker, licensed psychologist, licensed psychiatrist; or a mental health provider who meets or exceeds the requirements of a certified mental health counselor in the state of Washington, and who would be eligible to take the examination required for certification. The supervisor must not be a blood or legal relative or cohabitant of the supervisee, supervisee's peer, or someone who has acted as the supervisee's therapist.

(2) The approved supervisor shall meet the following additional experience requirements:

(a) Must have completed at least three years of employment, or private practice, as a professional as defined above; and

(b) Must have at least one year's experience supervising the practice of mental health counseling, or the supervision of a practicum or internship.

(i) The one year of supervision may be acquired during the three years of employment or private practice.

(ii) A minimum of thirty clock hours of training in supervision may be substituted for the one year of supervision experience.

(3) A person who is an NBCC approved supervisor for CCMHC through NBCC is considered to have met the requirements described in subsections (1) and (2) of this section.

(4) Supervisors of applicants whose supervised postgraduate experience was acquired prior to January 1, 2000, need not meet the requirements of subsection (2) of this section.

[Statutory Authority: RCW 18.19.050(1). 97-17-113, § 246-810-534, filed 8/20/97, effective 9/20/97.]

WAC 246-810-540 Examination for certified mental health counselors. (1) A written certification examination on knowledge and application of mental health counseling must be administered at least once a year. Application and application fee must be submitted at least ninety days prior to the scheduled examination date. All other supporting documents, including verification of supervised postgraduate experience, must be submitted sixty days prior to the examination date.

(2) Applicants who take and pass the National Board of Certified Counselors (NBCC) National Certification Examination (NCE) or the National Clinical Mental Health Counselor Examination (NCMHCE) have met the examination requirement of RCW 18.19.120. Verification of successful completion and passage of the NBCC certification examination is to be provided directly to the department of

health by NBCC at the request of the applicant for Washington state certified mental health counselor.

(3) The passing score established by the testing company is the passing score accepted by the department of health.

[Statutory Authority: RCW 18.19.050(1). 97-17-113, § 246-810-540, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-540, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.19.120. 89-14-071 (Order PM 841), § 308-210-040, filed 6/30/89. Statutory Authority: RCW 18.19.050. 88-11-025 (Order PM 730), § 308-210-040, filed 5/11/88.]

WAC 246-810-541 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-810-542 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-810-545 Examination appeal procedures. The candidate who fails the examination for mental health counselor certification may appeal the examination result by requesting a review of the failed examination.

(1) The candidate who wishes informal review of the national examination must:

(a) Request hand scoring from the department. The request must be in writing and postmarked within thirty days from the date of the letter notifying the candidate of the specific examination results. Upon request from the candidate, the department must provide examination-agency forms to the candidate. The candidate must fill out the form and forward with any required fee to the examination agency. Hand score results will be sent to the department. The department notifies the candidate of the results by letter.

(b) The candidate may request a review of the national examination within ninety days of the date of the examination, by submitting a written request to the department. The department will work with the examination agency to provide the candidate with the opportunity to review the exam in accordance with any review procedures required by the examination agency. The time and place for such review is determined by the department as required by any constraints from the examination agency.

(2) The candidate who is not satisfied with the informal review decision may request a formal hearing before a law judge as provided by the Administrative Procedure Act, chapter 34.05 RCW. Such request for formal hearing must be submitted in writing to the department and be postmarked within thirty days from the date on the written notification of the informal review decision. The issues raised by the candidate at the formal hearing must be limited to those issues raised by the candidate for consideration at the informal review, unless amended by a prehearing order. The department must inform the candidate of the formal appeal process in writing within twenty days of receipt of the request for formal appeal.

(3) If there is a prehearing conference, the law judge must enter an order which sets forth the actions taken at the conference, including the settlement or simplification of issues. The prehearing order limits the issues for formal hearing to those not disposed of by admission or agreement. Such order controls the subsequent course of the proceeding unless modified by subsequent prehearing order.

[Statutory Authority: RCW 18.19.050(1), 97-17-113, § 246-810-545, filed 8/20/97, effective 9/20/97.]

WAC 246-810-548 Certification of persons credentialed out-of-state. Certification as a Washington state certified mental health counselor may be extended to persons credentialed in another jurisdiction.

(1) Applicants must have met the same education and experience as required by Washington state statute, chapter 18.19 RCW, and rules, chapter 246-810 WAC.

(2) Applicants who are a Nationally Certified Counselor (NCC) through the National Board of Certified Counselors (NBCC) have met the education requirements for Washington state certification. Applicants who are a Certified Clinical Mental Health Counselor (CCMHC) through the NBCC have met the education and experience requirements for Washington state certification.

(3) Examination. Applicant must have passed the National Board of Certified Counselors National Counselor Examination (NCE) or the National Clinical Mental Health Counselor Examination (NCMHCE). Verification must be provided directly from the jurisdiction in which the applicant took the required examination.

(4) The following situations are not considered substantially equal for Washington state certification:

(a) Certification of persons credentialed out-of-state through a state-constructed examination; or

(b) Grandfathering provisions where proof of education, supervised postgraduate experience, or examination was not required.

[Statutory Authority: RCW 18.19.050(1), 97-17-113, § 246-810-548, filed 8/20/97, effective 9/20/97.]

WAC 246-810-550 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-810-560 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-810-561 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-810-562 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-810-563 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-810-564 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-810-565 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-810-566 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-810-570 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-810-580 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-810-710 Definitions. The following terms apply to the certification of social workers.

(1) "Approved school" is an accredited graduate school of social work as provided in RCW 18.19.110, and means a program accredited by the council on social work education (CSWE).

(a) Canadian graduate schools of social work that are approved by the Canadian council of social work; and

(b) Foreign curriculums which meet the requirements of the foreign equivalency determining service of the council on social work education.

(2) "Approved supervisor" is an individual who is a certified social worker who meets the education and experience requirements described in WAC 246-810-734.

[Statutory Authority: RCW 18.19.050(1), 97-17-113, § 246-810-710, filed 8/20/97, effective 9/20/97.]

WAC 246-810-720 Education requirements. To meet the education requirement imposed by RCW 18.19.110, an applicant must possess a master's or doctoral degree from an approved school of social work as defined in WAC 246-810-710. An official transcript must be provided as evidence of fulfillment of the coursework required. Obtaining equivalency approval of a foreign curriculum is the applicant's responsibility.

[Statutory Authority: RCW 18.19.050(1), 97-17-113, § 246-810-720, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-810-720, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.19.050, 88-11-078 (Order PM 727), § 308-230-010, filed 5/18/88.]

WAC 246-810-721 Education and experience equivalency. (1)(a) Anyone who has held Academy of Certified Social Workers (ACSW) status since prior to 1972 is considered to have met the education and postgraduate experience requirements to be eligible for Washington state certification examination.

(b) Persons who obtained ACSW status, during 1972 or later must provide verification of forty-five hours of master of social work supervision as provided in WAC 246-810-732 to be considered to have met the education and formal meetings requirements to be eligible for Washington state certification examination.

(c) Documentation of ACSW status must be sent directly to the department from the ACSW or any chapter office of the National Association of Social Workers (NASW).

(2)(a) Persons who obtained the Board Certified Diplomate in Clinical Social Work from the American Board of Examiners in Clinical Social Work (ABECSW) shall be considered to have met the education and postgraduate experience requirements to be eligible for Washington state certification examination.

(b) Documentation of ABECSW Board Certified Diplomate in Clinical Social Work must be sent directly to the department from the ABECSW.

(3)(a) Persons who obtained the Diplomate in Clinical Social Work (DCSW) or Qualified Clinical Social Work (QCSW) from the National Association of Social Workers (NASW) shall be considered to have met the education and postgraduate experience requirements to be eligible for Washington state certification examination.

(b) Documentation of DCSW or QCSW must be sent directly to the department from NASW.

[Statutory Authority: RCW 18.19.050(1), 97-17-113, § 246-810-721, filed 8/20/97, effective 9/20/97.]

WAC 246-810-730 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-810-731 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-810-732 Supervised postgraduate experience. (1) To meet the post-master's practice requirements provided in RCW 18.19.110(1), an applicant must have accomplished a minimum of twenty-four months of postgraduate experience with an approved supervisor, who is responsible for the oversight of the supervisee's continuing practice of social work. Total experience requirements include:

(a) Three thousand hours of social work experience under the supervision of an approved supervisor.

(b) Within the total experience hours, ninety hours of formal meetings with the supervisor to discuss social work practice related issues.

(i) At least forty-five of the ninety hours, must be under the supervision of a person who is either a Washington state certified social worker, ACSW or a person who has received a master's or doctoral degree in social work from an approved school and who can demonstrate qualifications equal to those required for Washington state social worker certification.

(ii) The remaining forty-five hours may be under the supervision of an approved supervisor.

(2) Applicant must provide proof of experience on forms provided by the department.

(3) Staff development or orientation, or work done in a classroom, workshop or seminar setting are not applicable toward the supervised postgraduate experience required by this chapter.

[Statutory Authority: RCW 18.19.050(1), 97-17-113, § 246-810-732, filed 8/20/97, effective 9/20/97.]

WAC 246-810-734 Approved supervisor—Qualifications. (1) "Approved supervisor" (also referred to as "supervisor,") is defined as: A certified social worker, certified mental health counselor, or certified marriage and family therapist, licensed psychologist, licensed psychiatrist; or a mental health provider who meets or exceeds the requirements of a certified social worker in the state of Washington; and who would be eligible to take the examination required for certification. The supervisor must not be a blood or legal relative or cohabitant of the supervisee, supervisee's peer, or someone who has acted as the supervisee's therapist.

(2) The approved supervisor shall meet the following additional experience requirements:

(a) Must have completed at least three years of employment, or private practice, as a professional as defined above; and

(b) Must have at least one year's experience supervising the practice of social work, or the supervision of a practicum or internship.

(i) The one year of supervision may be acquired during the three years of employment or private practice.

(ii) A minimum of thirty clock hours of training in supervision may be substituted for the one year of supervisory experience.

(3) An ACSW approved supervisor is considered to have met the requirements of subsections (1) and (2) of this section.

(4) Supervisors of applicants whose supervised postgraduate experience was acquired prior to January 1, 2000, need not meet the requirements of subsection (2) of this section.

[Statutory Authority: RCW 18.19.050(1), 97-17-113, § 246-810-734, filed 8/20/97, effective 9/20/97.]

WAC 246-810-740 Examination required. (1) Either the American Association of State Social Work Board's advanced or clinical examination is approved for use as the state examination for certification of social workers.

(2) The passing score established by the testing company is the passing score accepted by the department of health.

[Statutory Authority: RCW 18.19.050(1), 97-17-113, § 246-810-740, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-810-740, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.19.050, 88-11-078 (Order PM 727), § 308-230-020, filed 5/18/88.]

WAC 246-810-741 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-810-745 Examination appeal procedures. The candidate who fails the examination for social worker certification may appeal the examination result by requesting a review of the failed examination.

(1) The candidate who wishes informal review of the national examination must:

(a) Request hand scoring from the department. The request must be in writing and postmarked within thirty days from the date of the letter notifying the candidate of the specific examination results. Upon request from the candidate, the department must provide examination-agency forms to the candidate. The candidate must fill out the form and forward with any required fee to the examination agency. Hand score results will be sent to the department. The department notifies the candidate of the results by letter.

(b) The candidate may request a review of the national examination within ninety days of the date of the examination, by submitting a written request to the department. The department will work with the examination agency to provide the candidate with the opportunity to review the exam in accordance with any review procedures required by the examination agency. The time and place for such review is determined by the department as required by any constraints from the examination agency.

(2) The candidate who is not satisfied with the informal review decision may request a formal hearing before a law

judge as provided by the Administrative Procedure Act, chapter 34.05 RCW. Such request for formal hearing must be submitted in writing to the department and be postmarked within thirty days from the date on the written notification of the informal review decision. The issues raised by the candidate at the formal hearing must be limited to those issues raised by the candidate for consideration at the informal review, unless amended by a prehearing order. The department must inform the candidate of the formal appeal process in writing within twenty days of receipt of the request for formal appeal.

(3) If there is a prehearing conference, the law judge must enter an order which sets forth the actions taken at the conference, including the settlement or simplification of issues. The prehearing order limits the issues for formal hearing to those not disposed of by admission or agreement. Such order controls the subsequent course of the proceeding unless modified by subsequent prehearing order.

[Statutory Authority: RCW 18.19.050(1). 97-17-113, § 246-810-745, filed 8/20/97, effective 9/20/97.]

WAC 246-810-748 Certification of persons credentialed out-of-state. Certification as a Washington state certified social worker may be extended to persons credentialed in another jurisdiction.

(1) Applicants must have met the same education and experience as required by Washington state statute, chapter 18.19 RCW, and rules, chapter 246-810 WAC.

(2) Applicants who currently hold ACSW, ABECSSW or NASW status, as stipulated in WAC 246-810-721, may have met the education and/or experience requirements for Washington state certification.

(3) Examination. Applicant must have passed the American Association of State Social Work Board's Advanced or Clinical examination. Verification must be provided directly from the jurisdiction in which the applicant took the required examination.

(4) The following situations are not considered substantially equal to Washington state certification:

(a) Certification of persons credentialed out-of-state through a state-constructed examination; or

(b) Grandfathering provisions where proof of education, supervised experience, or examination was not required.

[Statutory Authority: RCW 18.19.050(1). 97-17-113, § 246-810-748, filed 8/20/97, effective 9/20/97.]

WAC 246-810-750 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-810-760 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-810-761 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-810-762 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-810-763 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-810-764 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-810-765 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-810-766 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-810-770 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-810-780 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-810-990 Fees. The following fees shall be charged by the health professions quality assurance division of the department of health:

Title	Fee
Registered counselor:	
Application and registration	\$ 40.00
Renewal	37.00
Late renewal penalty	37.00
Duplicate registration	15.00
Verification	15.00
Registered hypnotherapist:	
Application and registration	95.00
Renewal	130.00
Late renewal penalty	65.00
Duplicate registration	15.00
Verification	15.00
Certified marriage and family therapist:	
Application	100.00
Initial certification	125.00
Examination administration	50.00
Renewal	200.00
Late renewal penalty	100.00
Duplicate certification	15.00
Verification	15.00
Wall certificate	15.00
Certified mental health counselor:	
Application	75.00
Initial certification	60.00
Renewal	65.00
Late renewal penalty	50.00
Duplicate certification	15.00
Verification	15.00
Wall certificate	15.00
Certified social worker:	
Application	50.00
Initial certification	50.00
Renewal	65.00
Late renewal penalty	50.00
Duplicate certification	15.00
Verification	15.00
Wall certificate	15.00

[Statutory Authority: RCW 18.19.050(1), 97-17-113, § 246-810-990, filed 8/20/97, effective 9/20/97. Statutory Authority: Chapter 18.19 RCW. 96-08-069, § 246-810-990, filed 4/3/96, effective 5/4/96. Statutory Authority: RCW 43.70.250. 93-14-011, § 246-810-990, filed 6/24/93, effective 7/25/93. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-810-990, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.250. 90-18-039 (Order 084), § 308-190-010, filed 8/29/90, effective 9/29/90; 90-04-094 (Order 029), § 308-190-010, filed 2/7/90, effective 3/10/90. Statutory Authority: RCW 43.24.086. 87-18-033 (Order PM 669), § 308-190-010, filed 8/27/87.]

Chapter 246-822 WAC

DIETITIANS OR NUTRITIONISTS

WAC

246-822-100 Repealed.
246-822-140 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-822-100 Cooperation with investigation. [Statutory Authority: RCW 18.138.070, 18.130.050 and 18.130.070. 92-02-018 (Order 224), § 246-822-100, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-822-100, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-177-090, filed 6/30/89.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

246-822-140 Certification renewal registration date. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-822-140, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.138.070. 89-03-035 (Order PM 814), § 308-177-140, filed 1/11/89.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

WAC 246-822-100 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-822-140 Repealed. See Disposition Table at beginning of this chapter.

Chapter 246-828 WAC

HEARING AID FITTERS AND DISPENSERS

WAC

246-828-015 Temporary credentialing standards.
246-828-055 Apprenticeship program—Definitions.
246-828-060 Repealed.
246-822-065 Repealed.
246-828-070 Apprenticeship program—Minimum training requirements.
246-828-400 Repealed.
246-828-410 Repealed.
246-828-420 Repealed.
246-828-430 Repealed.
246-828-990 Hearing aid fitter/dispenser fees, audiologist and speech language pathologists fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-828-060 Trainees—General information. [Statutory Authority: RCW 18.35.161. 94-11-108, § 246-828-060, filed 5/18/94, effective 6/18/94; 91-11-031 (Order 165B), recodified as § 246-828-060, filed 5/8/91, effective 6/8/91; 84-19-018 (Order PL 478), § 308-50-090, filed 9/12/84;

Order PL 159, § 308-50-090, filed 2/8/74.] Repealed by 97-20-102, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 18.35.161.

246-828-065 Trainees—Supervision. [Statutory Authority: RCW 18.35.161. 94-11-108, § 246-828-065, filed 5/18/94, effective 6/18/94.] Repealed by 97-20-102, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 18.35.161.

246-828-400 Temporary practice permits—Scope and purpose. [Statutory Authority: RCW 18.35.161 (1) and (3). 95-19-017, § 246-828-400, filed 9/7/95, effective 10/8/95. Statutory Authority: RCW 18.35.161(3). 93-07-008 (Order 341B), § 246-828-400, filed 3/5/93, effective 4/5/93.] Repealed by 97-20-104, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 18.35.161.

246-828-410 Definitions. [Statutory Authority: RCW 18.35.161 (1) and (3). 95-19-017, § 246-828-410, filed 9/7/95, effective 10/8/95. Statutory Authority: RCW 18.35.161(3). 93-07-008 (Order 341B), § 246-828-410, filed 3/5/93, effective 4/5/93.] Repealed by 97-20-104, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 18.35.161.

246-828-420 Issuance of temporary practice permits. [Statutory Authority: RCW 18.35.161(3). 93-07-008 (Order 341B), § 246-828-420, filed 3/5/93, effective 4/5/93.] Repealed by 97-20-104, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 18.35.161.

246-828-430 Duration of temporary practice permits. [Statutory Authority: RCW 18.35.161(3). 93-07-008 (Order 341B), § 246-828-430, filed 3/5/93, effective 4/5/93.] Repealed by 97-20-104, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 18.35.161.

WAC 246-828-015 Temporary credentialing standards. Applicants engaged in the profession of speech-language pathology in this state on or before June 6, 1996, applying for certification before July 1, 1997, must meet at least one of the following requirements of commonly accepted standards:

(1) Master's or doctoral degree or their equivalents in speech-language pathology, communication disorders or communication sciences.

Equivalency to be determined on an individual case basis by the board.

(2) American Speech and Hearing Association's Certification of Clinical Competence in Speech-Language Pathology (CCC-SLP).

(3) Washington state educational staff associate certification of the initial or continuing type. (ESA.)

[Statutory Authority: RCW 18.35.080(2) and 18.35.161. 97-04-042, § 246-828-015, filed 1/31/97, effective 1/31/97.]

WAC 246-828-055 Apprenticeship program—Definitions. For the purposes of this chapter, these terms shall be defined as follows:

(1) "Sponsor" means the licensed hearing instrument fitter/dispenser or certified audiologist who is registered with the department of health to provide sponsorship to an apprentice. The sponsor must be licensed or certified in good standing as a hearing instrument fitter/dispenser or audiologist with the state of Washington for at least two years.

(2) "Direct supervision" means that the sponsor is physically present and in the same room with the apprentice, observing the testing, fitting and dispensing activities of the apprentice at all times.

(3) "Sponsor in good standing" means a sponsor whose license or certificate has not been subject to sanctions under RCW 18.130.160 in the last two years.

[Statutory Authority: RCW 18.35.040 and 18.35.161. 97-15-128, § 246-828-055, filed 7/23/97, effective 8/23/97. Statutory Authority: RCW 18.35.161. 94-11-108, § 246-828-055, filed 5/18/94, effective 6/18/94.]

WAC 246-828-060 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-868-065 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-828-070 Apprenticeship program—Minimum training requirements. (1) An apprenticeship program will be at least six months in duration. The apprentice is in an apprenticeship program for a minimum of ten hours each week. The apprentice is under the direct supervision of the sponsor at all times when performing the functions of a hearing instrument fitter/dispenser apprentice. An apprentice must hold a valid hearing instrument fitter/dispenser permit. An apprentice must complete the National Hearing Aid Society home study course and submit proof of passing the home study course final examination and complete all stages of the apprenticeship program prior to taking the Washington state examination. If the apprentice passes the home study course final examination but fails the Washington state licensure examination, the apprentice will not have to repeat the home study course before the next available Washington state licensure examination. The apprenticeship program is divided into three stages:

(a) Stage 1 is at least 1 month in duration. During this stage, the apprentice may perform audiometric tests, and make ear mold impressions and modifications. The sponsor is physically present, in the same room at all times when the apprentice is performing these functions. The apprentice can not recommend the selection of a hearing instrument, dispense a hearing instrument, or counsel a client.

(b) Stage 2 - at least 2 months. During this stage the apprentice may perform all tasks in Stage 1, recommend the selection of a hearing instrument, and counsel a client. The sponsor is physically present, in the same room at all times when the apprentice is performing these functions. The apprentice can not dispense a hearing instrument.

(c) Stage 3 - at least 3 months. During this stage the apprentice may perform all the tasks in Stage 1 and 2 and dispense hearing instruments, but the sponsor is physically present in the same room at the time a hearing instrument is delivered to the client. The receipt required by RCW 18.35.030 must have the signatures and the license/permit numbers of the sponsor and apprentice. The title of the sponsor and apprentice is next to the respective signatures.

(2) It is the sponsor's responsibility to provide instruction and guidance, in order to adequately prepare the apprentice for practice as a hearing instrument fitter/dispenser and for the written and practical examinations. Training received by an apprentice during the apprenticeship program must include at least the following subject areas:

- (a) Chapters 18.35 and 18.130 RCW, and chapter 246-828 WAC;
- (b) Physics of sound;
- (c) Anatomy of the outer, middle and inner ear;
- (d) Otoscopy;

(e) Hearing disorders: Conductive hearing loss, sensori-neural hearing loss, mixed hearing loss, central auditory processing disorder, nonorganic hearing loss;

(f) Diseases of the ear;

(g) Current criteria for medical referral;

(h) Pure tone audiometry, air conduction and bone conduction;

(i) Masking for pure tone audiometry: Rationale; methods; techniques;

(j) Speech audiometry;

(k) Masking for speech audiometry: Rationale; methods; techniques;

(l) Sound field testing;

(m) Audiogram analysis and interpretation;

(n) Proper ear/ears selection: Hearing instrument selection/modifications (evaluating fitting criteria);

(o) Cros/bi-cros: Rationale and its application;

(p) Hearing aid measurements (ANSI) standard);

(q) Interpretation of hearing instruments specification data;

(r) Impression technique;

(s) Earmolds: Shell design and their effects on frequency response;

(t) Types and styles of hearing instruments; components, functions, and benefits;

(u) Dispensing hearing instruments and counseling on usage and care.

(3) The sponsor must file a report with the department at the end of each stage of the apprentice program; this report must be filed no later than ten days after the completion of each stage. The sponsor must certify that the educational and training objectives of each stage have been met and the number of hours of training provided.

(4) The apprenticeship program begins at the date of department approval, unless the board specifies another date.

(5) Transfer of apprentice to another sponsor. The department may approve transfers of an apprentice to another eligible sponsor, prior to the completion of the apprenticeship program, upon the request of either the sponsor or the apprentice.

(a) An apprentice who changes his or her sponsor for any reason must not continue his or her apprenticeship status with a new sponsor until a new apprenticeship application and fee has been filed and approved by the department.

(b) It is the apprentice's responsibility to report the loss of such sponsorship to the department in writing within ten days of such occurrence and to stop the practice of fitting and dispensing.

(c) The sponsor of an apprentice who desires to terminate the responsibilities of sponsorship must provide the apprentice two weeks written notice of such termination, stating reasons for termination, and shall immediately notify the department, by registered or certified mail, of the sponsorship termination and the reasons for termination.

(d) In the event the apprentice terminates the program, the sponsor must notify the department immediately by registered or certified mail.

The sponsor is responsible for the apprentice until such time as the notification of termination to the department is deposited in the United States mail.

- (e) Whenever a transfer is approved, credit is transferred for the completed stages of the apprenticeship program.
- (f) Transfer of credit for stages uncompleted is subject to review and approval by the board.

[Statutory Authority: RCW 18.35.040 and 18.35.161. 97-15-128, § 246-828-070, filed 7/23/97, effective 8/23/97. Statutory Authority: RCW 18.35.161 (1) and (3). 95-19-017, § 246-828-070, filed 9/7/95, effective 10/8/95. Statutory Authority: RCW 18.35.161. 94-11-108, § 246-828-070, filed 5/18/94, effective 6/18/94; 91-11-031 (Order 165B), recodified as § 246-828-070, filed 5/8/91, effective 6/8/91; 84-08-062 (Order PL 463), § 308-50-100, filed 4/4/84; Order PL 159, § 308-50-100, filed 2/8/74.]

WAC 246-828-400 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-828-410 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-828-420 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-828-430 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-828-990 Hearing aid fitter/dispenser fees, audiologist and speech language pathologists fees. The following fees shall be charged by the health professions quality assurance division of the department of health:

Title of Fee	Fee
Fitter/dispenser:	
License application	\$125.00
Initial license	100.00
Renewal	200.00
Written Exam	100.00
Practical Exam	200.00
Apprentice permit	85.00
Inactive license	75.00
Late renewal penalty	100.00
License verification	15.00
Wall certificate	15.00
Duplicate license	15.00
Audiologists:	
Certificate application	125.00
Initial certificate	100.00
Renewal	200.00
Written Examination	100.00
Practical Examination	200.00
Interim permit	100.00
Inactive certificate	75.00
Late renewal penalty	100.00
Certificate verification	15.00
Wall certificate	15.00
Duplicate certificate	15.00
Speech/language pathologist:	
Certificate application	125.00
Initial certificate	100.00
Renewal	200.00
Written Examination	100.00
Practical Examination	200.00
Interim permit	100.00

Inactive certificate	75.00
Late renewal penalty	100.00
Certificate verification	15.00
Wall certificate	15.00
Duplicate certificate	15.00

[Statutory Authority: RCW 18.35.090 and 43.70.250. 97-04-043, § 246-828-990, filed 1/31/97, effective 1/31/97. Statutory Authority: RCW 18.35.161 (1) and (3). 95-19-017, § 246-828-990, filed 9/7/95, effective 10/8/95. Statutory Authority: RCW 43.70.250. 94-08-038, § 246-828-990, filed 3/31/94, effective 5/1/94; 93-14-011, § 246-828-990, filed 6/24/93, effective 7/25/93; 91-13-002 (Order 173), § 246-828-990, filed 6/6/91, effective 7/7/91. Statutory Authority: RCW 43.70.040. 91-11-030 (Order 139), recodified as § 246-828-990, filed 5/8/91, effective 6/8/91. Statutory Authority: RCW 43.70.250. 90-04-094 (Order 029), § 308-50-440, filed 2/7/90, effective 3/10/90. Statutory Authority: RCW 43.24.086. 87-18-031 (Order PM 667), § 308-50-440, filed 8/27/87.]

**Chapter 246-830 WAC
MESSAGE PRACTITIONERS**

WAC	
246-830-220	Repealed.
246-830-230	Repealed.
246-830-240	Repealed.
246-830-250	Repealed.
246-830-255	Repealed.
246-830-260	Repealed.
246-830-270	Repealed.
246-830-280	Repealed.
246-830-690	Repealed.

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

246-830-220	Grading of examinations. [Statutory Authority: RCW 18.108.025. 91-01-077 (Order 102B), recodified as § 246-830-220, filed 12/17/90, effective 1/31/91; 88-11-011 (Order PM 725), § 308-51-110, filed 5/10/88. Statutory Authority: RCW 18.108.020 and 18.108.070. 85-01-043 (Order PL 501), § 308-51-110, filed 12/13/84. Statutory Authority: RCW 18.108.020. 79-10-042 (Order 314, Resolution No. 9/79), § 308-51-110, filed 9/13/79; Order PL 248, § 308-51-110, filed 5/25/76.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
246-830-230	Frequency and location of examinations. [Statutory Authority: RCW 18.108.025(1). 95-11-108, § 246-830-230, filed 5/23/95, effective 6/23/95. Statutory Authority: RCW 18.108.085. 92-02-018 (Order 224), § 246-830-230, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 18.108.025. 91-01-077 (Order 102B), recodified as § 246-830-230, filed 12/17/90, effective 1/31/91; 90-13-005 (Order 053), § 308-51-120, filed 6/7/90, effective 7/8/90. Statutory Authority: RCW 18.108.020. 83-23-077 (Order PL 448), § 308-51-120, filed 11/18/83; 80-01-017 (Order PL 330, Resolution No. 12/79), § 308-51-120, filed 12/13/79; Order PL 248, § 308-51-120, filed 5/25/76.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
246-830-240	Examination appeal procedures. [Statutory Authority: RCW 18.108.025. 91-01-077 (Order 102B), recodified as § 246-830-240, filed 12/17/90, effective 1/31/91; 88-11-011 (Order PM 725), § 308-51-125, filed 5/10/88. Statutory Authority: RCW 18.108.020. 87-21-049 (Order PM 685), § 308-51-125, filed 10/15/87.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
246-830-250	Reexamination. [Statutory Authority: RCW 18.108.025. 91-01-077 (Order 102B), recodified as § 246-830-250, filed 12/17/90, effective 1/31/91; 90-13-005 (Order 053), § 308-51-130, filed 6/7/90, effective 7/8/90. Statutory

- Authority: RCW 18.108.020, 80-04-012 (Order PL 336), § 308-51-130, filed 3/10/80; Order PL 248, § 308-51-130, filed 5/25/76.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
- 246-830-255 Time limitation on initial application for licensure. [Statutory Authority: RCW 18.108.025(1), 94-13-181, § 246-830-255, filed 6/21/94, effective 7/22/94.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
- 246-830-260 Special examination. [Statutory Authority: RCW 18.108.025, 91-01-077 (Order 102B), recodified as § 246-830-260, filed 12/17/90, effective 1/31/91; 88-19-048 (Order PM 770), § 308-51-140, filed 9/14/88; 88-11-011 (Order PM 725), § 308-51-140, filed 5/10/88; Order PL 248, § 308-51-140, filed 5/25/76.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
- 246-830-270 Reexamination for assurance of competency. [Statutory Authority: RCW 18.108.085, 92-02-018 (Order 224), § 246-830-270, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 18.108.025, 91-01-077 (Order 102B), recodified as § 246-830-270, filed 12/17/90, effective 1/31/91; 88-11-011 (Order PM 725), § 308-51-220, filed 5/10/88.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
- 246-830-280 Dismissal from examination. [Statutory Authority: RCW 18.108.025(1), 94-13-181, § 246-830-280, filed 6/21/94, effective 7/22/94.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
- 246-830-690 Cooperation with investigation. [Statutory Authority: RCW 18.108.085, 18.130.050 and 18.130.070, 92-02-018 (Order 224), § 246-830-690, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-830-690, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070, 89-14-092 (Order PM 842), § 308-51-310, filed 6/30/89.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

WAC 246-830-220 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-830-230 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-830-240 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-830-250 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-830-255 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-830-260 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-830-270 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-830-280 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-830-690 Repealed. See Disposition Table at beginning of this chapter.

Chapter 246-834 WAC

MIDWIVES

WAC

246-834-350 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-834-350 Cooperation with investigation. [Statutory Authority: RCW 18.50.135, 18.50.045, 18.130.050 and 18.130.070, 92-02-018 (Order 224), § 246-834-350, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-834-350, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070, 89-14-092 (Order PM 842), § 308-115-350, filed 6/30/89.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

WAC 246-834-350 Repealed. See Disposition Table at beginning of this chapter.

Chapter 246-836 WAC

NATUROPATHIC PHYSICIANS

WAC

246-836-070 Repealed.
246-836-190 Repealed.
246-836-400 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-836-070 Renewal of licenses. [Statutory Authority: RCW 18.36A.060, 92-02-018 (Order 224), § 246-836-070, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-836-070, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.36A.060, 88-14-009 (Order PM 742), § 308-34-160, filed 6/24/88.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

246-836-190 Postgraduate hours in the study of mechanotherapy. [Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-836-190, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.36A.060(1), 89-02-051 (Order PM 815), § 308-34-470, filed 1/3/89.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

246-836-400 Cooperation with investigation. [Statutory Authority: RCW 18.36A.060, 18.130.050 and 18.130.070, 92-02-018 (Order 224), § 246-836-400, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-836-400, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070, 89-14-092 (Order PM 842), § 308-130-400, filed 6/30/89.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

WAC 246-836-070 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-836-190 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-836-400 Repealed. See Disposition Table at beginning of this chapter.

**Chapter 246-838 WAC
PRACTICAL NURSES**

WAC

- 246-838-010 Repealed.
- 246-838-020 Repealed.
- 246-838-026 Repealed.
- 246-838-030 Repealed.
- 246-838-050 Repealed.
- 246-838-060 Repealed.
- 246-838-070 Repealed.
- 246-838-080 Repealed.
- 246-838-090 Repealed.
- 246-838-100 Repealed.
- 246-838-110 Repealed.
- 246-838-120 Repealed.
- 246-838-121 Repealed.
- 246-838-130 Repealed.
- 246-838-250 Repealed.
- 246-838-260 Repealed.
- 246-838-270 Repealed.
- 246-838-280 Repealed.
- 246-838-290 Repealed.
- 246-838-300 Repealed.
- 246-838-310 Repealed.
- 246-838-330 Repealed.
- 246-838-340 Repealed.
- 246-838-350 Repealed.
- 246-838-360 Repealed.

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

- 246-838-010 Definitions. [Statutory Authority: RCW 18.78.050. 92-17-023 (Order 296B), § 246-838-010, filed 8/10/92, effective 9/10/92. Statutory Authority: RCW 18.78.050 and 18.130.050. 92-02-046 (Order 231B), § 246-838-010, filed 12/27/91, effective 1/27/92. Statutory Authority: RCW 18.78.050. 91-01-078 (Order 109B), recodified as § 246-838-010, filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.78.072, 18.78.090, 18.78.225, 18.130.050 and 70.24.270. 88-24-017 (Order PM 768), § 308-117-010, filed 12/1/88. Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-010, filed 12/19/83. Formerly WAC 308-116-005.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-838-020 Functions of a licensed practical nurse. [Statutory Authority: RCW 18.78.050. 91-01-078 (Order 109B), recodified as § 246-838-020, filed 12/17/90, effective 1/31/91; 84-01-061 (Order PL 452), § 308-117-020, filed 12/19/83. Formerly WAC 308-116-010.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-838-026 Mandatory reporting. [Statutory Authority: RCW 18.78.054 and 18.130.070. 91-13-023 (Order 175B), § 246-838-026, filed 6/11/91, effective 7/12/91.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-838-030 Standards of conduct for discipline. [Statutory Authority: RCW 18.78.050. 92-17-023 (Order 296B), § 246-838-030, filed 8/10/92, effective 9/10/92. Statutory Authority: RCW 18.78.050 and 18.130.050. 92-02-046 (Order 231B), § 246-838-030, filed 12/27/91, effective 1/27/92. Statutory Authority: RCW 18.78.050. 91-01-078 (Order 109B), recodified as § 246-838-030, filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050, 18.130.050 (1) and (12) and 1986 c 259 § 19, 128 and 131. 86-18-031 (Order PM 612), § 308-117-025, filed 8/27/86. Statutory Authority: RCW 18.78.050. 86-01-084 (Order PL 574), § 308-117-025, filed 12/18/85.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.

- 246-838-050 Licensing examination. [Statutory Authority: RCW 18.78.050. 93-21-006, § 246-838-050, filed 10/7/93, effective 11/7/93; 92-17-023 (Order 296B), § 246-838-050, filed 8/10/92, effective 9/10/92; 91-01-078 (Order 109B), recodified as § 246-838-050, filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.130.050 and SHB 1404, 1988 c 211. 88-18-005 (Order PM 768), § 308-117-040, filed 8/25/88. Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-040, filed 12/19/83.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-838-060 Release of results of examination. [Statutory Authority: RCW 18.78.050 and 18.130.050. 91-13-023 (Order 175B), § 246-838-060, filed 6/11/91, effective 7/12/91. Statutory Authority: RCW 18.78.050. 91-01-078 (Order 109B), recodified as § 246-838-060, filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.130.050 and SHB 1404, 1988 c 211. 88-18-005 (Order PM 768), § 308-117-050, filed 8/25/88. Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-050, filed 12/19/83.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-838-070 Filing of application for licensing examination. [Statutory Authority: RCW 18.130.050 and 18.78.050. 94-08-050 § 246-838-070, filed 4/1/94, effective 5/2/94; 91-13-023 (Order 175B), § 246-838-070, filed 6/11/91, effective 7/12/91. Statutory Authority: RCW 18.78.050. 91-01-078 (Order 109B), recodified as § 246-838-070, filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.78.072, 18.78.090, 18.78.225, 18.130.050 and 70.24.270. 88-24-017 (Order PM 768), § 308-117-060, filed 12/1/88. Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-060, filed 12/19/83.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-838-080 Failures—Repeat examination. [Statutory Authority: RCW 18.130.050 and 18.78.050. 94-08-050 § 246-838-080, filed 4/1/94, effective 5/2/94. Statutory Authority: RCW 18.78.050. 91-01-078 (Order 109B), recodified as § 246-838-080, filed 12/17/90, effective 1/31/91; 84-01-061 (Order PL 452), § 308-117-070, filed 12/19/83.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-838-090 Licensure of graduates of foreign schools of nursing. [Statutory Authority: RCW 18.130.050 and 18.78.050. 94-08-050 § 246-838-090, filed 4/1/94, effective 5/2/94. Statutory Authority: RCW 18.78.050. 93-21-006, § 246-838-090, filed 10/7/93, effective 11/7/93. Statutory Authority: RCW 18.78.050 and 18.130.050. 91-13-023 (Order 175B), § 246-838-090, filed 6/11/91, effective 7/12/91. Statutory Authority: RCW 18.78.050. 91-01-078 (Order 109B), recodified as § 246-838-090, filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050, 18.78.060, 18.78.070 and 18.130.050. 89-10-075 (Order PM 835), § 308-117-080, filed 5/3/89; 88-05-011 (Order PM 705), § 308-117-080, filed 2/9/88. Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-080, filed 12/19/83.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-838-100 Licensure by interstate endorsement. [Statutory Authority: RCW 18.78.050 and 18.130.050. 91-13-023 (Order 175B), § 246-838-100, filed 6/11/91, effective 7/12/91. Statutory Authority: RCW 18.78.050. 91-01-078 (Order 109B), recodified as § 246-838-100, filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.78.072, 18.78.090, 18.78.225, 18.130.050 and 70.24.270. 88-24-017 (Order PM 768), § 308-117-090, filed 12/1/88. Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.130.050 and SHB 1404, 1988 c 211. 88-18-005 (Order PM 768), § 308-117-090, filed 8/25/88. Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-090, filed 12/19/83.]

- Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-838-110 Documents which indicate authorization to practice. [Statutory Authority: RCW 18.130.050 and 18.78.050. 94-08-050 § 246-838-110, filed 4/1/94, effective 5/2/94. Statutory Authority: RCW 18.78.050. 93-21-006, § 246-838-110, filed 10/7/93, effective 11/7/93. Statutory Authority: RCW 18.78.050 and 18.130.050. 92-02-046 (Order 231B), § 246-838-110, filed 12/27/91, effective 1/27/92. Statutory Authority: RCW 18.78.050. 91-13-023 (Order 175B), § 246-838-110, filed 6/11/91, effective 7/12/91; 91-01-078 (Order 109B), recodified as § 246-838-110, filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.130.050 and SHB 1404, 1988 c 211. 88-18-005 (Order PM 768), § 308-117-095, filed 8/25/88.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-838-120 Renewal of licenses. [Statutory Authority: RCW 18.78.050. 93-21-006, § 246-838-120, filed 10/7/93, effective 11/7/93. Statutory Authority: RCW 18.130.175 and 18.78.050. 93-04-080 (Order 331B), § 246-838-120, filed 2/1/93, effective 3/4/93. Statutory Authority: RCW 18.78.050 and 18.130.050. 91-13-023 (Order 175B), § 246-838-120, filed 6/11/91, effective 7/12/91. Statutory Authority: RCW 18.78.050. 91-01-078 (Order 109B), recodified as § 246-838-120, filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.78.072, 18.78.090, 18.78.225, 18.130.050 and 70.24.270. 88-24-017 (Order PM 768), § 308-117-100, filed 12/1/88. Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.130.050 and SHB 1404, 1988 c 211. 88-18-005 (Order PM 768), § 308-117-100, filed 8/25/88. Statutory Authority: RCW 18.78.050, 18.130.050 (1) and (2) and 1986 c 259 §§ 19, 128 and 131. 86-18-031 (Order PM 612), § 308-117-100, filed 8/27/86. Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-100, filed 12/19/83. Formerly WAC 308-116-280.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-838-121 Responsibility for maintaining mailing address. [Statutory Authority: RCW 18.78.050. 93-21-006, § 246-838-121, filed 10/7/93, effective 11/7/93.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-838-130 Return to active status from inactive or lapsed status. [Statutory Authority: RCW 18.78.050. 93-21-006, § 246-838-130, filed 10/7/93, effective 11/7/93; 91-13-023 (Order 175B), § 246-838-130, filed 6/11/91, effective 7/12/91; 91-01-078 (Order 109B), recodified as § 246-838-130, filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.130.050 and SHB 1404, 1988 c 211. 88-18-005 (Order PM 768), § 308-117-105, filed 8/25/88.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-838-250 AIDS education and training. [Statutory Authority: RCW 70.24.270. 91-13-023 (Order 175B), § 246-838-250, filed 6/11/91, effective 7/12/91. Statutory Authority: RCW 18.78.050. 91-01-078 (Order 109B), recodified as § 246-838-250, filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.78.072, 18.78.090, 18.78.225, 18.130.050 and 70.24.270. 88-24-017 (Order PM 768), § 308-117-360, filed 12/1/88.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-838-260 Standards/competencies. [Statutory Authority: [RCW 18.78.050]. 91-13-023 (Order 175B), § 246-838-260, filed 6/11/91, effective 7/12/91; 91-01-078 (Order 109B), recodified as § 246-838-260, filed 12/17/90, effective 1/31/91; 84-01-061 (Order PL 452), § 308-117-400, filed 12/19/83.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-838-270 Criteria for approved refresher course. [Statutory Authority: RCW 18.78.050. 93-21-006, § 246-838-270, filed 10/7/93, effective 11/7/93; 91-13-023 (Order 175B), § 246-838-270, filed 6/11/91, effective 7/12/91; 91-01-078 (Order 109B), recodified as § 246-838-270, filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.130.050 and SHB 1404, 1988 c 211. 88-18-005 (Order PM 768), § 308-117-410, filed 8/25/88.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-838-280 Scope of practice—Advisory opinions. [Statutory Authority: RCW 18.78.050. 91-01-078 (Order 109B), recodified as § 246-838-280, filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.130.050 and SHB 1404, 1988 c 211. 88-18-005 (Order PM 768), § 308-117-420, filed 8/25/88.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-838-290 Terms used in WAC 246-838-290 through 246-838-310. [Statutory Authority: RCW 18.78.050 and 18.130.050. 92-02-046 (Order 231B), § 246-838-290, filed 12/27/91, effective 1/27/92. Statutory Authority: RCW 18.78.050. 91-01-078 (Order 109B), recodified as § 246-838-290, filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050, [18.78.]054, 18.130.050 and [18.130.]175. 89-07-005 (Order PM 823), § 308-117-460, filed 3/3/89.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-838-300 Approval of substance abuse monitoring programs. [Statutory Authority: RCW 18.78.050. 91-01-078 (Order 109B), recodified as § 246-838-300, filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050, [18.78.]054, 18.130.050 and [18.130.]175. 89-07-005 (Order PM 823), § 308-117-470, filed 3/3/89.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-838-310 Participation in approved monitoring program. [Statutory Authority: RCW 18.78.050 and 18.130.050. 92-02-046 (Order 231B), § 246-838-310, filed 12/27/91, effective 1/27/92. Statutory Authority: RCW 18.78.050. 91-01-078 (Order 109B), recodified as § 246-838-310, filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050, [18.78.]054, 18.130.050 and [18.130.]175. 89-07-005 (Order PM 823), § 308-117-480, filed 3/3/89.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-838-330 Impaired practical nurse program—Content—License surcharge. [Statutory Authority: RCW 18.130.175 and 18.78.050. 93-04-080 (Order 331B), § 246-838-330, filed 2/1/93, effective 3/4/93.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-838-340 Executive secretary qualifications. [Statutory Authority: RCW 18.78.050. 93-21-006, § 246-838-340, filed 10/7/93, effective 11/7/93.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-838-350 Appearance and practice before agency—Standards of ethical conduct. [Statutory Authority: RCW 18.78.050. 93-21-006, § 246-838-350, filed 10/7/93, effective 11/7/93.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-838-360 Adjudicative proceedings procedural rules. [Statutory Authority: RCW 18.78.050. 93-21-006, § 246-838-360, filed 10/7/93, effective 11/7/93.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- WAC 246-838-010 Repealed.** See Disposition Table at beginning of this chapter.
- WAC 246-838-020 Repealed.** See Disposition Table at beginning of this chapter.

WAC 246-838-026 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-838-030 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-838-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-838-060 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-838-070 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-838-080 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-838-090 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-838-100 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-838-110 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-838-120 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-838-121 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-838-130 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-838-250 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-838-260 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-838-270 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-838-280 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-838-290 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-838-300 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-838-310 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-838-330 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-838-340 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-838-350 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-838-360 Repealed. See Disposition Table at beginning of this chapter.

**Chapter 246-839 WAC
REGISTERED NURSES**

WAC

246-839-010 through 246-839-900 Repealed.

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

- 246-839-010 Definitions. [Statutory Authority: RCW 18.88.080, 92-02-023 (Order 230B), § 246-839-010, filed 12/23/91, effective 1/23/92; 91-07-067 (Order 152B), § 246-839-010, filed 3/20/91, effective 4/20/91; 91-07-049 (Order 116B), recodified as § 246-839-010, filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080, 18.88.140, 18.130.175 and 70.24.270. 88-23-035 (Order PM 795), § 308-120-100, filed 11/9/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-100, filed 7/28/88. Statutory Authority: RCW 18.88.080, 81-04-007 (Order PL 370), § 308-120-100, filed 1/27/81; 80-04-072 (Order PL 339), § 308-120-100, filed 3/27/80; Order PL-124, § 308-120-100, filed 5/26/72.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-020 Documents which indicate authorization to practice registered nursing in Washington. [Statutory Authority: RCW 18.88.080, 94-20-081, § 246-839-020, filed 10/4/94 effective 11/4/94. Statutory Authority: RCW 18.88.140, 94-07-012, § 246-839-020, filed 3/4/94, effective 4/4/94. Statutory Authority: RCW 18.88.080, 91-23-077 (Order 214B), § 246-839-020, filed 11/19/91, effective 12/20/91; 91-07-049 (Order 116B), recodified as § 246-839-020, filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080, [18.88].086, [18.88].110, [18.88].130, [18.88].140, [18.88].175, [18.88].280 and 18.130.050. 89-12-033 (Order PM 847), § 308-120-170, filed 6/1/89. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-170, filed 7/28/88. Statutory Authority: RCW 18.88.080, 85-24-027 (Order PL 569), § 308-120-170, filed 11/26/85; 81-10-026 (Order PL 377), § 308-120-170, filed 4/28/81; Order PL 196, § 308-120-170, filed 7/25/75; Order PL-124, § 308-120-170, filed 5/26/72.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-030 Qualification/eligibility to take the licensing examination. [Statutory Authority: RCW 18.88.140, 94-07-012, § 246-839-030, filed 3/4/94, effective 4/4/94. Statutory Authority: RCW 18.88.080, 91-23-077 (Order 214B), § 246-839-030, filed 11/19/91, effective 12/20/91; 91-07-049 (Order 116B), recodified as § 246-839-030, filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080, 18.88.140, 18.130.175 and 70.24.270. 88-23-035 (Order PM 795), § 308-120-161, filed 11/9/88. Statutory Authority:

- ity: RCW 18.88.080. 82-01-012 (Order PL 387), § 308-120-161, filed 12/7/81; 81-04-007 (Order PL 370), § 308-120-161, filed 1/27/81.] Repealed by 97-17-015, filed 8/8/97, effective 9/8/97. Statutory Authority: RCW 18.79.160.
- 246-839-040 Filing of application for licensing examination. [Statutory Authority: RCW 18.88.140. 94-07-012, § 246-839-040, filed 3/4/94, effective 4/4/94. Statutory Authority: RCW 18.88.080. 91-07-049 (Order 116B), recodified as § 246-839-040, filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080, 18.88.086, 18.130.050, 18.130.070 and 18.130.180. 87-23-050 (Order PM 691), § 308-120-162, filed 11/18/87. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-162, filed 11/3/82. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-162, filed 1/27/81.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-050 Licensing examination. [Statutory Authority: RCW 18.88.140. 94-07-012, § 246-839-050, filed 3/4/94, effective 4/4/94. Statutory Authority: RCW 18.88.080. 91-07-049 (Order 116B), recodified as § 246-839-050, filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-163, filed 7/28/88. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-163, filed 11/3/82. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-163, filed 1/27/81.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-060 Release of results of examination. [Statutory Authority: RCW 18.88.140. 94-07-012, § 246-839-060, filed 3/4/94, effective 4/4/94. Statutory Authority: RCW 18.88.080. 91-23-077 (Order 214B), § 246-839-060, filed 11/19/91, effective 12/20/91; 91-07-049 (Order 116B), recodified as § 246-839-060, filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-164, filed 7/28/88. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-164, filed 11/3/82. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-164, filed 1/27/81.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-070 Failures—Repeat examination. [Statutory Authority: RCW 18.88.140. 94-07-012, § 246-839-070, filed 3/4/94, effective 4/4/94. Statutory Authority: RCW 18.88.080. 91-07-049 (Order 116B), recodified as § 246-839-070, filed 3/18/91, effective 4/18/91; 90-04-059, § 308-120-165, filed 2/2/90, effective 3/5/90. Statutory Authority: RCW 18.88.080, 18.88.086, 18.130.050, 18.130.070 and 18.130.180. 87-23-050 (Order PM 691), § 308-120-165, filed 11/18/87. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-165, filed 11/3/82. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-165, filed 1/27/81.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-080 Applicants previously licensed in a foreign country. [Statutory Authority: RCW 18.88.140. 94-07-012, § 246-839-080, filed 3/4/94, effective 4/4/94. Statutory Authority: RCW 18.88.080. 91-23-077 (Order 214B), § 246-839-080, filed 11/19/91, effective 12/20/91; 91-07-049 (Order 116B), recodified as § 246-839-080, filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080, 18.88.140, 18.130.175 and 70.24.270. 88-23-035 (Order PM 795), § 308-120-166, filed 11/9/88. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-166, filed 11/3/82. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-166, filed 1/27/81.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-090 Licensure by interstate endorsement. [Statutory Authority: RCW 18.88.140. 94-07-012, § 246-839-090, filed 3/4/94, effective 4/4/94. Statutory Authority: RCW 18.88.080. 91-23-077 (Order 214B), § 246-839-090, filed 11/19/91, effective 12/20/91; 91-07-049 (Order 116B), recodified as § 246-839-090, filed 3/18/91, effective 4/18/91; 91-07-032 (Order 151B), § 308-120-168, filed 3/15/91, effective 4/15/91. Statutory Authority: RCW 18.88.080, [18.88].086, [18.88].130, [18.88].140, [18.88].150, 18.130.050 and 70.24.270. 89-12-032 (Order PM 846), § 308-120-168, filed 6/1/89. Statutory Authority: RCW 18.88.080, 18.88.140, 18.130.175 and 70.24.270. 88-23-035 (Order PM 795), § 308-120-168, filed 11/9/88. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-168, filed 1/27/81.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-100 AIDS education and training. [Statutory Authority: RCW 18.88.080 and 70.24.270. 91-23-077 (Order 214B), § 246-839-100, filed 11/19/91, effective 12/20/91. Statutory Authority: RCW 70.24.270. 91-07-049 (Order 116B), recodified as § 246-839-100, filed 3/18/91, effective 4/18/91; 91-07-032 (Order 151B), § 308-120-610, filed 3/15/91, effective 4/15/91. Statutory Authority: RCW 18.88.080, 18.88.140, 18.130.175 and 70.24.270. 88-23-035 (Order PM 795), § 308-120-610, filed 11/9/88.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-105 Brief adjudicative proceedings—Denials based on failure to meet education, experience, or examination prerequisites for licensure. [Statutory Authority: RCW 18.88.080. 91-19-102 (Order 198B), § 246-839-105, filed 9/18/91, effective 10/19/91.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-110 Renewal of licenses. [Statutory Authority: RCW 18.88.080. 91-23-077 (Order 214B), § 246-839-110, filed 11/19/91, effective 12/20/91; 91-07-049 (Order 116B), recodified as § 246-839-110, filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080, 18.88.140, 18.130.175 and 70.24.270. 88-23-035 (Order PM 795), § 308-120-180, filed 11/9/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-180, filed 7/28/88. Statutory Authority: RCW 18.88.080, 83-24-048 (Order PL 449), § 308-120-180, filed 12/2/83; Order PL 216, § 308-120-180, filed 11/5/75; Order PL-134, § 308-120-180, filed 10/13/72.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-115 Responsibility for maintaining mailing address on file with the board. [Statutory Authority: RCW 18.88.080 and 18.88.086. 93-11-007 (Order 361B), § 246-839-115, filed 5/5/93, effective 6/5/93.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-120 Return to active status from inactive or lapsed status. [Statutory Authority: RCW 18.88.080. 91-23-077 (Order 214B), § 246-839-120, filed 11/19/91, effective 12/20/91; 91-07-049 (Order 116B), recodified as § 246-839-120, filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-185, filed 7/28/88. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-185, filed 1/27/81; 78-05-085 (Order PL 288, Resolution 78-143), § 308-120-185, filed 5/2/78; Order PL 258, § 308-120-185, filed 12/7/76. Formerly WAC 308-120-18001.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.

- 246-839-130 Criteria for approved refresher course. [Statutory Authority: RCW 18.88.080. 91-07-049 (Order 116B), recodified as § 246-839-130, filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080, 18.88.086 and 18.130.050. 88-05-010 (Order PM 704), § 308-120-186, filed 2/9/88. Statutory Authority: RCW 18.88.080. 79-06-025 (Order PL-305), § 308-120-186, filed 5/15/79.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-300 Advanced registered nurse practitioner. [Statutory Authority: RCW 18.79.110. 95-01-107, § 246-839-300, filed 12/21/94, effective 1/21/95. Statutory Authority: RCW 18.88.030(2) and 18.88.080. 92-20-047 (Order 306B), § 246-839-300, filed 9/30/92, effective 10/31/92. Statutory Authority: RCW 18.88.080. 91-07-049 (Order 116B), recodified as § 246-839-300, filed 3/18/91, effective 4/18/91; 85-24-027 (Order PL 569), § 308-120-300, filed 11/26/85. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-300, filed 11/3/82; Order PL 270, § 308-120-300, filed 6/16/77.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-305 Criteria for formal advanced nursing education meeting the requirement for ARNP licensure. [Statutory Authority: RCW 18.79.110. 95-01-107, § 246-839-305, filed 12/21/94, effective 1/21/95.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-310 Use of nomenclature. [Statutory Authority: RCW 18.79.110. 95-01-107, § 246-839-310, filed 12/21/94, effective 1/21/95. Statutory Authority: RCW 18.88.030(2) and 18.88.080. 92-20-047 (Order 306B), § 246-839-310, filed 9/30/92, effective 10/31/92. Statutory Authority: RCW 18.88.080. 91-23-077 (Order 214B), § 246-839-310, filed 11/19/91, effective 12/20/91; 91-07-049 (Order 116B), recodified as § 246-839-310, filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080, [18.88].086, [18.88].110, [18.88].130, [18.88].140, [18.88].175, [18.88].280 and 18.130.050. 89-12-033 (Order PM 847), § 308-120-305, filed 6/1/89. Statutory Authority: RCW 18.88.080. 85-24-027 (Order PL 569), § 308-120-305, filed 11/26/85. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-305, filed 11/3/82; Order PL 270, § 308-120-305, filed 6/16/77.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-315 Clinical specialist in psychiatric/mental health nursing. [Statutory Authority: RCW 18.79.110. 95-01-107, § 246-839-315, filed 12/21/94, effective 1/21/95.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-320 Certification and certification program. [Statutory Authority: RCW 18.88.030(2) and 18.88.080. 92-20-047 (Order 306B), § 246-839-320, filed 9/30/92, effective 10/31/92. Statutory Authority: RCW 18.88.080. 91-23-077 (Order 214B), § 246-839-320, filed 11/19/91, effective 12/20/91; 91-07-049 (Order 116B), recodified as § 246-839-320, filed 3/18/91, effective 4/18/91; 85-24-027 (Order PL 569), § 308-120-315, filed 11/26/85. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-315, filed 11/3/82.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-330 Board approval of certification programs. [Statutory Authority: RCW 18.88.030(2) and 18.88.080. 92-20-047 (Order 306B), § 246-839-330, filed 9/30/92, effective 10/31/92. Statutory Authority: RCW 18.88.080. 91-23-077 (Order 214B), § 246-839-330, filed 11/19/91, effective 12/20/91; 91-07-049 (Order 116B), recodified as § 246-839-330, filed 3/18/91, effective 4/18/91; 85-24-027 (Order PL 569), § 308-120-325, filed 11/26/85. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-325, filed 11/3/82.]
- 246-839-340 Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-340 Application requirements for ARNP. [Statutory Authority: RCW 18.79.110. 95-01-107, § 246-839-340, filed 12/21/94, effective 1/21/95. Statutory Authority: RCW 18.88.080. 91-23-077 (Order 214B), § 246-839-340, filed 11/19/91, effective 12/20/91; 91-07-049 (Order 116B), recodified as § 246-839-340, filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.030(2), 18.88.080, 18.88.140 and 18.130.050. 88-07-049 (Order PM 717), § 308-120-335, filed 3/14/88. Statutory Authority: RCW 18.88.080. 85-24-027 (Order PL 569), § 308-120-335, filed 11/26/85. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-335, filed 11/3/82.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-345 ARNP designation in more than one area of specialty. [Statutory Authority: RCW 18.79.110. 95-01-107, § 246-839-345, filed 12/21/94, effective 1/21/95.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-350 Application requirements for ARNP interim permit. [Statutory Authority: RCW 18.88.080. 93-22-052, § 246-839-350, filed 10/28/93, effective 11/28/93; 91-23-077 (Order 214B), § 246-839-350, filed 11/19/91, effective 12/20/91; 91-07-049 (Order 116B), recodified as § 246-839-350, filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-338, filed 7/28/88.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-360 Renewal of ARNP designation. [Statutory Authority: RCW 18.88.080. 93-22-052, § 246-839-360, filed 10/28/93, effective 11/28/93; 91-23-077 (Order 214B), § 246-839-360, filed 11/19/91, effective 12/20/91; 91-07-049 (Order 116B), recodified as § 246-839-360, filed 3/18/91, effective 4/18/91; 85-24-027 (Order PL 569), § 308-120-345, filed 11/26/85. Statutory Authority: RCW 18.88.030 and 18.88.080. 83-04-051 (Order PL 424), § 308-120-345, filed 2/1/83.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-365 Return to active ARNP status from inactive or lapsed status. [Statutory Authority: RCW 18.79.110. 95-01-107, § 246-839-365, filed 12/21/94, effective 1/21/95.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-370 Termination of ARNP designation by the board. [Statutory Authority: RCW 18.88.080 and 18.130.050. 91-23-077 (Order 214B), § 246-839-370, filed 11/19/91, effective 12/20/91. Statutory Authority: RCW 18.88.080. 91-07-049 (Order 116B), recodified as § 246-839-370, filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080, 18.88.086 and 18.130.050. 88-18-082 (Order PM 760), § 308-120-360, filed 9/6/88. Statutory Authority: RCW 18.88.080. 85-24-027 (Order PL 569), § 308-120-360, filed 11/26/85. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-360, filed 11/3/82.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-400 ARNP with prescriptive authorization. [Statutory Authority: RCW 18.88.080. 93-22-052, § 246-839-400, filed 10/28/93, effective 11/28/93; 91-07-049 (Order 116B), recodified as § 246-839-400, filed 3/18/91, effective 4/18/91; 85-24-027 (Order PL 569), § 308-120-400, filed 11/26/85; 83-16-065 (Order PL 441), § 308-120-400, filed 8/2/83. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-400, filed 11/3/82. Statutory Authority: RCW 18.88.080. 79-09-038 (Order PL-310), § 308-120-400, filed 8/17/79.] Repealed by 97-13-100, filed 6/18/97,

- effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-410 Application requirements for ARNP with prescriptive authority. [Statutory Authority: RCW 18.88.080, 93-22-052, § 246-839-410, filed 10/28/93, effective 11/28/93; 91-23-077 (Order 214B), § 246-839-410, filed 11/19/91, effective 12/20/91; 91-07-049 (Order 116B), recodified as § 246-839-410, filed 3/18/91, effective 4/18/91; 85-24-027 (Order PL 569), § 308-120-410, filed 11/26/85. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-410, filed 11/3/82. Statutory Authority: RCW 18.88.080, 81-04-007 (Order PL 370), § 308-120-410, filed 1/27/81; 79-09-038 (Order PL-310), § 308-120-410, filed 8/17/79.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-420 Authorized prescriptions by the ARNP with prescriptive authority. [Statutory Authority: RCW 18.88.080, 93-22-052, § 246-839-420, filed 10/28/93, effective 11/28/93; 91-07-049 (Order 116B), recodified as § 246-839-420, filed 3/18/91, effective 4/18/91; 85-24-027 (Order PL 569), § 308-120-420, filed 11/26/85. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-420, filed 11/3/82. Statutory Authority: RCW 18.88.080, 81-04-007 (Order PL 370), § 308-120-420, filed 1/27/81; 79-09-038 (Order PL-310), § 308-120-420, filed 8/17/79.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-430 Termination of ARNP prescriptive authorization. [Statutory Authority: RCW 18.88.080, 91-23-077 (Order 214B), § 246-839-430, filed 11/19/91, effective 12/20/91; 91-07-049 (Order 116B), recodified as § 246-839-430, filed 3/18/91, effective 4/18/91; 85-24-027 (Order PL 569), § 308-120-430, filed 11/26/85. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-430, filed 11/3/82. Statutory Authority: RCW 18.88.080, 79-09-038 (Order PL-310), § 308-120-430, filed 8/17/79.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-440 Prescriptive authorization period. [Statutory Authority: RCW 18.88.080, 91-23-077 (Order 214B), § 246-839-440, filed 11/19/91, effective 12/20/91; 91-07-049 (Order 116B), recodified as § 246-839-440, filed 3/18/91, effective 4/18/91; 85-24-027 (Order PL 569), § 308-120-440, filed 11/26/85. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-440, filed 11/3/82. Statutory Authority: RCW 18.88.080, 79-09-038 (Order PL-310), § 308-120-440, filed 8/17/79.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-450 Renewal. [Statutory Authority: RCW 18.88.080, 91-23-077 (Order 214B), § 246-839-450, filed 11/19/91, effective 12/20/91; 91-07-049 (Order 116B), recodified as § 246-839-450, filed 3/18/91, effective 4/18/91; 85-24-027 (Order PL 569), § 308-120-450, filed 11/26/85. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-450, filed 11/3/82. Statutory Authority: RCW 18.88.080, 79-09-038 (Order PL-310), § 308-120-450, filed 8/17/79.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-700 Standards of nursing conduct or practice. [Statutory Authority: RCW 18.88.080 and 18.130.050, 91-23-077 (Order 214B), § 246-839-700, filed 11/19/91, effective 12/20/91; 91-07-049 (Order 116B), recodified as § 246-839-700, filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080, 18.88.086, 18.130.050, 18.130.070 and 18.130.180. 87-23-050 (Order PM 691), § 308-120-700, filed 11/18/87.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-710 Violations of standards of nursing conduct or practice. [Statutory Authority: RCW 18.88.080 and 18.130.050, 91-23-077 (Order 214B), § 246-839-710, filed 11/19/91, effective 12/20/91; 91-07-049 (Order 116B), recodified as § 246-839-710, filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080, 18.88.086, 18.130.050, 18.130.070 and 18.130.180. 87-23-050 (Order PM 691), § 308-120-710, filed 11/18/87.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-720 Mitigating circumstances. [Statutory Authority: RCW 18.88.080 and 18.130.050, 91-07-049 (Order 116B), recodified as § 246-839-720, filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080, 18.88.086, 18.130.050, 18.130.070 and 18.130.180. 87-23-050 (Order PM 691), § 308-120-720, filed 11/18/87.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-730 Mandatory reporting defined. [Statutory Authority: RCW 18.88.080, 18.130.050 and 18.130.070, 91-23-077 (Order 214B), § 246-839-730, filed 11/19/91, effective 12/20/91. Statutory Authority: RCW 18.88.080 and 18.130.050, 91-07-049 (Order 116B), recodified as § 246-839-730, filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080, 18.88.086, 18.130.050, 18.130.070 and 18.130.180. 87-23-050 (Order PM 691), § 308-120-730, filed 11/18/87.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-740 Violations considered for disciplinary purposes only. [Statutory Authority: RCW 18.88.080 and 18.130.050, 91-23-077 (Order 214B), § 246-839-740, filed 11/19/91, effective 12/20/91; 91-07-049 (Order 116B), recodified as § 246-839-740, filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080, 18.88.086, 18.130.050, 18.130.070 and 18.130.180. 87-23-050 (Order PM 691), § 308-120-740, filed 11/18/87.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-745 Adjudicative proceedings. [Statutory Authority: RCW 18.130.050, 93-20-113, § 246-839-745, filed 10/6/93, effective 11/6/93.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-750 Philosophy governing voluntary substance abuse monitoring programs. [Statutory Authority: RCW 18.130.050, 91-07-049 (Order 116B), recodified as § 246-839-750, filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080, 18.88.140, 18.130.175 and 70.24.270. 88-23-035 (Order PM 795), § 308-120-750, filed 11/9/88.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-760 Terms used in WAC 246-839-750 through 246-839-780. [Statutory Authority: RCW 18.88.080 and 18.130.050, 91-23-077 (Order 214B), § 246-839-760, filed 11/19/91, effective 12/20/91. Statutory Authority: RCW 18.130.050, 91-07-049 (Order 116B), recodified as § 246-839-760, filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080, 18.88.140, 18.130.175 and 70.24.270. 88-23-035 (Order PM 795), § 308-120-760, filed 11/9/88.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-770 Approval of substance abuse monitoring programs. [Statutory Authority: RCW 18.130.050, 91-07-049 (Order 116B), recodified as § 246-839-770, filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080, 18.88.140, 18.130.175 and 70.24.270. 88-23-035 (Order PM 795), § 308-120-770, filed 11/9/88.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-780 Participation in approved substance abuse monitoring program. [Statutory Authority: RCW 18.130.050, 91-07-049 (Order 116B), recodified as § 246-839-780, filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080, 18.88.140, 18.130.175 and 70.24.270. 88-23-035 (Order PM 795), § 308-120-780, filed 11/9/88.]

- Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-800 Scope of practice—Advisory opinions. [Statutory Authority: RCW 18.88.080. 91-07-049 (Order 116B), recodified as § 246-839-800, filed 3/18/91, effective 4/18/91; 85-17-031 (Order PL 548), § 308-120-800, filed 8/14/85.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-810 Provision for continuity of drug therapy for residents. [Statutory Authority: RCW 18.88.080. 91-07-049 (Order 116B), recodified as § 246-839-810, filed 3/18/91, effective 4/18/91; 83-12-026 (Order PL 436), § 308-120-270, filed 5/25/83.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-820 Provision for clean, intermittent catheterization in schools. [Statutory Authority: RCW 18.88.080. 92-01-023 (Order 222B), § 246-839-820, filed 12/6/91, effective 1/6/92; 91-07-049 (Order 116B), recodified as § 246-839-820, filed 3/18/91, effective 4/18/91; 90-04-059, § 308-120-620, filed 2/2/90, effective 3/5/90.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-830 Determination and pronouncement of death. [Statutory Authority: RCW 18.88.080. 91-23-077 (Order 214B), § 246-839-830, filed 11/19/91, effective 12/20/91; 91-07-049 (Order 116B), recodified as § 246-839-830, filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080, [18.88].086, [18.88].110, [18.88].130, [18.88].140, [18.88].175, [18.88].280 and 18.130.050. 89-12-033 (Order PM 847), § 308-120-810, filed 6/1/89.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-840 Nursing technician. [Statutory Authority: RCW 18.88.080. 91-23-077 (Order 214B), § 246-839-840, filed 11/19/91, effective 12/20/91; 91-07-067 (Order 152B), § 246-839-840, filed 3/20/91, effective 4/20/91.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-850 Use of nomenclature. [Statutory Authority: RCW 18.88.080. 91-23-077 (Order 214B), § 246-839-850, filed 11/19/91, effective 12/20/91; 91-07-067 (Order 152B), § 246-839-850, filed 3/20/91, effective 4/20/91.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-860 Nursing technician criteria. [Statutory Authority: RCW 18.88.080. 91-07-067 (Order 152B), § 246-839-860, filed 3/20/91, effective 4/20/91.] Repealed by 97-17-049, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.79.160.
- 246-839-870 Functions of the nursing technician. [Statutory Authority: RCW 18.88.080. 91-07-067 (Order 152B), § 246-839-870, filed 3/20/91, effective 4/20/91.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-880 Functions of the registered nurse supervising the nursing technician. [Statutory Authority: RCW 18.88.080. 91-07-067 (Order 152B), § 246-839-880, filed 3/20/91, effective 4/20/91.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-890 Responsibilities of the employing facility. [Statutory Authority: RCW 18.88.080. 91-23-077 (Order 214B), § 246-839-890, filed 11/19/91, effective 12/20/91; 91-07-067 (Order 152B), § 246-839-890, filed 3/20/91, effective 4/20/91.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.
- 246-839-900 Responsibilities of the nurse administrator. [Statutory Authority: RCW 18.88.080. 91-07-067 (Order 152B), § 246-839-900, filed 3/20/91, effective 4/20/91.] Repealed by 97-13-100, filed 6/18/97, effective 7/19/97. Statutory Authority: Chapter 18.79 RCW.

WAC 246-839-010 through 246-839-900 Repealed.
See Disposition Table at beginning of this chapter.

Chapter 246-840 WAC

PRACTICAL AND REGISTERED NURSING

WAC

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WAC 246-840-010 Definitions. (1) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illnesses as defined by the commission of health by rule.

(2) "Auxiliary services" are all nursing services provided to patients by persons other than the licensed practical nurse, the registered nurse and the nursing student.

(3) "Beginning practitioner" means a newly licensed nurse beginning to function in the nurse role.

(4) "Behavioral objectives" means the measurable outcomes of specific content.

(5) "Client" means the person who receives the services of the practical nurse or registered nurse.

(6) "Client advocate" means a supporter of client rights and choices.

(7) "Commission" means the Washington state nursing care quality assurance commission.

(8) "Competencies" means the tasks necessary to perform the standards.

(9) "Conceptual framework" means the theoretical base around which the curriculum is developed.

(10) "Conditional approval" of a school of nursing is the approval given a school of nursing that has failed to meet the requirements of the law and the rules and regulations of the commission, and it specifies conditions that must be met within a designated time to rectify the failure.

(11) "Delegation" means the licensed practical nurse or registered nurse transfers the performance of selected nursing tasks to competent individuals in selected situations. The licensed practical nurse or registered nurse delegating the task retains the responsibility and accountability for the nursing care of the client. The licensed practical nurse or registered nurse delegating the task supervises the performance of the unlicensed person;

(a) Nursing acts delegated by the licensed practical nurse or registered nurse shall:

(i) Be within the area of responsibility of the licensed practical nurse or registered nurse delegating the act;

(ii) Be such that, in the opinion of the licensed practical nurse or registered nurse, it can be properly and safely performed by the person without jeopardizing the patient welfare;

(iii) Be acts that a reasonable and prudent licensed practical nurse or registered nurse would find are within the scope of sound nursing judgment.

(b) Nursing acts delegated by the licensed practical nurse or registered nurse shall not require the unlicensed person to exercise nursing judgment nor perform acts which must only be performed by a licensed practical nurse or registered nurse, except in an emergency situation (RCW 18.79.240 (1)(b) and (2)(b)).

(c) When delegating a nursing act to an unlicensed person it is the registered nurse who shall:

(i) Make an assessment of the patient's nursing care need before delegating the task;

(ii) Instruct the unlicensed person in the delegated task or verify competency to perform or be assured that the person is competent to perform the nursing task as a result of the systems in place by the health care agency;

(iii) Recognize that some nursing interventions require nursing knowledge, judgment, and skill and therefore may not lawfully be delegated to unlicensed persons.

(12) Direction and Supervision:

(a) "Supervision" of licensed or unlicensed nursing personnel means the provision of guidance and evaluation for the accomplishment of a nursing task or activity with the initial direction of the task or activity; periodic inspection of the actual act of accomplishing the task or activity; and the authority to require corrective action.

(b) "Consulting capacity" shall mean the recommendations to a professional entity, employed at that facility, which may be accepted, rejected, or modified. These recommendations shall not be held out as providing nursing services by the consulting nurse to the patient or public.

(c) "Direct supervision" shall mean the licensed registered nurse is on the premises, is quickly and easily available and the patient has been assessed by the licensed registered nurse prior to the delegation of the duties to any caregiver.

(d) "Immediate supervision" shall mean the registered nurse is on the premises and is within audible and visual range of the patient and the patient has been assessed by the registered nurse prior to the delegation of duties to any caregiver.

(e) "Indirect supervision" shall mean the registered nurse is not on the premises but has given either written or oral instructions for the care and treatment of the patient and the patient has been assessed by the registered nurse prior to the delegation of duties to any caregiver.

(13) "Extended learning sites" refers to any area external to the parent organization selected by faculty for student learning experiences.

(14) "Faculty" means persons who are responsible for the educational program of the school of nursing and who hold faculty appointment in the school.

(15) "Full approval" of a school of nursing is the approval given a school of nursing that meets the requirements of the law and the rules and regulations of the commission.

(16) "Minor nursing services." The techniques and procedures used by the nursing profession are extremely difficult to categorize as major or minor nursing services. The important factor with which this law is concerned is the determination of which nursing person and at what level of preparation that person may perform said technique or procedure in relation to the condition of a given patient, and this kind of determination rests with the registered nurse.

(17) "Minimum standards of competency" means the functions that are expected of the beginning level nurse.

(18) "Nurse administrator" is an individual who meets the qualifications contained in WAC 246-840-555 and who has been designated as the person primarily responsible for the direction of the program in nursing. Titles for this position may include, among others, dean, director, coordinator or chairperson.

(19) The phrase "nursing aide" used in RCW 18.79.240 (1)(c) shall mean a "nursing technician." "Nursing techni-

cian" is a nursing student currently enrolled in a commission or state board of nursing approved nursing education program and employed for the purpose of giving help, assistance and support in the performance of those services which constitute the practice of registered nursing. The nursing student shall use the title "nursing technician" while employed.

(20) "Nursing student" is a person currently enrolled in an approved school of nursing.

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

(22) "Philosophy" means the beliefs and principles upon which the curriculum is based.

(23) "Program" means a division or department within a state supported educational institution, or other institution of higher learning charged with the responsibility of preparing persons to qualify for the licensing examination.

(24) "Provisional approval" of schools of nursing is the approval given a new school of nursing based on its proposed program prior to the admission of its first class.

(25) "Registered nurse" as used in these rules shall mean a nurse as defined by RCW 18.79.030(1).

(26) "School" means an educational unit charged with the responsibility of preparing persons to practice as practical nurses or registered nurses. Three types of basic schools of nursing are distinguished by the certificate awarded to the graduate. Schools of nursing within colleges and universities award the associate degree or baccalaureate degree. Schools of nursing sponsored by a hospital award a diploma.

(27) "Standards" means the overall behavior which is the desired outcome.

(28) "Terminal objectives" means the statements of goals which reflect the philosophy and are the measurable outcomes of the total curriculum.

(29) An "unapproved school of nursing" is a school of nursing that has been removed from the list of approved schools for failure to meet the requirements of the law and the rules and regulations of the commission or a school that has never been approved by the commission.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-010, filed 6/18/97, effective 7/19/97.]

WAC 246-840-020 Documents which indicate authorization to practice nursing in Washington. The following documents are the only documents that indicate legal authorization to practice as a licensed practical nurse or registered nurse in Washington.

(1) Active license. A license is issued upon completion of all requirements for licensure, confers the right to use the title licensed practical nurse or licensed registered nurse and the use of its abbreviation, L.P.N. or R.N., and to practice as a licensed practical nurse or registered nurse in the state of Washington.

A student who has graduated from a basic professional nursing course and who is pursuing a baccalaureate degree in nursing, an advanced degree in nursing or an advanced certification in nursing shall hold an active Washington RN license before participating in the practice of nursing as required to fulfill the learning objectives in a clinical course.

Exception to this requirement may be granted by the commission on an individual basis upon a petition submitted by the dean or director of a school of nursing, on a case-by-case basis.

(a) The exception allows the student to practice in a clinical setting only under the direct supervision of an RN faculty member. The commission requires that any RN faculty member supervising these students meet the requirements of direct supervision as defined in WAC 246-840-010 (13)(c)(ii) and, in addition, that supervising faculty document that all clients under the care of the student be assessed by the RN faculty each clinical day.

(b) The dean or director of the school of nursing shall ensure that each faculty member who supervises these students be provided a copy of these rules and be assigned in a manner that allows for direct supervision.

(c) Nursing students who participate in clinical courses under this section are not eligible for the nursing technician role.

(2) Inactive license. A license issued to a person previously holding an active license in this state who desires to retire temporarily from the practice of nursing in this state. The holder of an inactive license shall not practice nursing in this state.

(3) Limited educational license. A limited educational license may be issued to a person who has been on inactive or lapsed status for three years or more and who wishes to return to active status.

(4) Advanced registered nurse practitioner (ARNP) recognition document. An ARNP recognition document may be issued to any person who meets the requirements of the commission as contained in WAC 246-840-300. Only persons holding this recognition document shall have the right to use the title "advanced registered nurse practitioner" or the abbreviation "ARNP" or any title or abbreviation which may indicate that the person is entitled to practice at an advanced and specialized level as a nurse practitioner, a specialized nurse practitioner, a nurse midwife, or a nurse anesthetist. This document authorizes the ARNP to engage in the scope of practice allowed for his or her specialty area and is valid only with a current registered nurse license.

(5) ARNP interim permit. An interim permit may be issued following satisfactory completion of an advanced formal education program, registration for the first certification examination of an approved program following completion of the education and filing of an application, fee and requested documentation. If the applicant passes the examination the department shall grant advanced registered nurse practitioner status. If the applicant fails the examination, the interim permit shall expire upon notification and is not renewable.

(6) ARNP prescriptive authorization. A notation of prescriptive authorization may be placed on the ARNP recognition document issued to any person who meets the requirements of the commission as contained in WAC 246-840-410. This authorizes the ARNP to prescribe drugs within his or her scope of practice and is valid only with a current registered nurse license.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-020, filed 6/18/97, effective 7/19/97.]

WAC 246-840-030 Examination and licensure. (1) Graduates from Washington state board approved schools of nursing holding a degree/diploma from such a school shall be eligible to write the examination provided all other requirements are met.

(2) Graduates from a nursing school approved by a board of nursing in another U.S. jurisdiction shall be eligible to take the examination provided that:

(a) The nursing school meets the minimum standards approved for state board school of nursing in Washington at the time of the applicant's graduation;

(b) Graduate has completed all institutional requirements for the degree/diploma in nursing education per attestation from the administrator of the approved nursing education program;

(c) All other requirements of the statute and regulations shall be met.

(3) Graduates of a nontraditional school of nursing which meet the requirements of subsection (2)(a), (b) and (c) of this section, are eligible to take the registered nurse examination provided that the following conditions are met: (For purposes of this section, nontraditional schools of nursing are defined as schools that have curricula which do not include a faculty supervised teaching/learning component in clinical settings.)

(a) The candidate is a licensed practical nurse in Washington state; and

(b) There is documentation of at least two hundred hours of supervised clinical experience (preceptorship) in the role of a registered nurse. The required elements of a preceptorship are as follows:

(i) Acceptable clinical sites - Acceptable clinical sites include acute care or subacute care settings or skilled nursing facilities. Other sites must be approved by the commission.

(ii) Qualifications of preceptor (instructor) - The preceptor must be a licensed registered nurse in Washington state with at least two years experience in a practice setting and have no history of disciplinary actions. The candidate must provide documentation that the preceptor meets these requirements when he/she applies for licensure and must also provide a written agreement between the candidate and the preceptor (or facility) that preceptorship supervision will occur.

(iii) Experiences in the preceptorship - Experiences must include delegation and supervision, decision making and critical thinking, patient assessment as part of the nursing process and evaluation of care. A checklist, provided by the commission, must be completed by the preceptor which indicates the candidate's satisfactory completion of the identified skills. This checklist must be submitted with the candidate's application for licensure; and

(c) The candidate receives a satisfactory evaluation from their preceptor meeting commission requirements as previously identified ((b)(iii) of this subsection); and

(d) All other requirements of the nursing statute and regulations are met.

[Statutory Authority: RCW 18.79.160. 97-17-015, § 246-840-030, filed 8/8/97, effective 9/8/97.]

WAC 246-840-040 Filing of application for licensing examination. (1) All applicants shall file with the Washing-

ton state nursing commission a completed application, with the required fee sixty days prior to the anticipated date of examination. The fee is not refundable.

(2) Applicants shall request the school of nursing to send an official transcript directly to the Washington state nursing commission. The transcript shall contain adequate documentation to verify that statutory requirements are met and shall include course names and credits accepted from other programs.

(3) Applicants shall also file an examination application, along with the required fee directly with the testing service.

(4) Applicants who have filed the required applications and met all qualifications will be notified of their eligibility, and only such applicants will be admitted to the examination.

(5) Applicants shall submit with the application one recent U.S. passport identification photograph of the applicant unmounted and signed by the applicant across the front.

(6) Persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the AIDS education requirements of WAC 246-840-100.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-040, filed 6/18/97, effective 7/19/97.]

WAC 246-840-050 Licensing examination. (1) The current series of the National Council of the State Boards of Nursing Registered Nurse or Practical Nurse Licensing Examination (NCLEX-RN or NCLEX-PN) Computerized Adaptive Test (NCLEX CAT) shall be the official examinations for nurse licensure. In order to be licensed in this state, all nurse applicants shall take and pass the National Council Licensure Examination (NCLEX-RN or NCLEX-PN).

(2) The NCLEX will consist of a Computerized Adaptive Test that will be individualized with the score for the examination reported as either pass or fail. Specific parameters of the exam will be as prescribed by contract with National Council of State Boards of Nursing, Inc. (NCSBN).

(3) Examinations shall be conducted throughout the year.

(4) The executive director of the commission shall negotiate with NCSBN for the use of the NCLEX CAT.

(5) The examination shall be administered in accord with the NCSBN security measures and contract. All appeals of examination results shall be managed in accord with policies in the NCSBN contract.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-050, filed 6/18/97, effective 7/19/97.]

WAC 246-840-060 Release of results of examination. (1) Candidates shall be notified regarding the examination results by mail only.

(2) Candidates who pass shall receive a license to practice as a licensed practical nurse or registered nurse provided all other requirements are met.

(3) Candidates who fail shall receive a letter of notification regarding their eligibility to rewrite the examination.

(4) The candidate's examination results will be maintained in his/her application file in the health professions quality assurance division, department of health.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-060, filed 6/18/97, effective 7/19/97.]

WAC 246-840-070 Failures—Repeat examination.

(1) The retest may be scheduled no sooner than ninety days following the date of the last exam taken.

(2) Request to retake the exam must be submitted to the commission no less than forty-five days prior to the anticipated test date.

(3) Candidates who fail the examination will be permitted to retake the examination three times within the two-year period from the month of first examination taken.

(4) Candidates who fail to pass the examination within the time period specified in subsection (3) of this section shall be required to complete a program of study approved by the commission. Upon successful completion of the approved program, the candidate shall be required to take the examination.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-070, filed 6/18/97, effective 7/19/97.]

WAC 246-840-080 Licensure of graduates of foreign schools of nursing.

(1) Applicants for licensure educated in a country outside the United States or its territories shall meet the following requirements for licensure:

(a) Satisfactory completion of a basic nursing education program approved in the country of original licensure.

(i) The nursing education program shall be equivalent to the minimum standards prevailing for commission or state board approved schools of nursing in Washington at the time of graduation.

(ii) Any deficiencies in the nursing program (theory and clinical practice in medical, psychiatric, obstetric, surgical and pediatric nursing) shall be satisfactorily completed in a state board approved school of nursing.

(b) Screening exams:

FOR PRACTICAL NURSES:

Satisfactory passage of the test of English as a foreign language (TOEFL). All applicants with nursing educations obtained in countries outside of the United States and never before licensed in another jurisdiction or territory of the United States, shall be required to take the TOEFL and attain a minimum score of fifty in each section. Once an applicant obtains a score of fifty in a section, the board will require reexamination and passage only in the section(s) failed. Passage of all sections of the TOEFL must be attained and the applicant must cause TOEFL services to forward directly to the board a copy of the official examinee's score record. These results must be timely received with the individual's application before the NCLEX can be taken. Exceptions may be made, in the commission's discretion and for good cause, to this requirement.

FOR REGISTERED NURSES:

Satisfactory passage of the screening examination for foreign nurses. As of May 1, 1981, all applicants from countries outside the United States, and never before licensed in one of the United States jurisdictions shall have passed the commission on graduates of foreign nursing schools (CGFNS) qualifying examination.

(c) Applicants licensed under the laws of a country outside the United States or its territories shall be required to take the current series of the National Council of State Boards of Nursing (NCLEX-PN or NCLEX-RN) as provided in WAC 246-840-050: Provided, That those persons meeting the requirements of WAC 246-840-090(7) are exempt from this requirement; or show evidence of having already successfully passed the state board licensing examination for practical or registered nurses in another jurisdiction or territory of the United States with the passing standard required in Washington.

(d) All other requirements of the statute and regulation shall be met.

(2) Applicants for examination shall:

(a) File with the nursing commission a completed license application with the required fee sixty days prior to the anticipated date of the examination. The fees are not refundable.

(b) Request the school of nursing to submit an official transcript directly to the health professions quality assurance division of department of health. The transcript shall contain the date of graduation and the credential conferred, and shall be in English or accompanied by an official English translation notarized as a true and correct copy.

(c) Applicants shall also file an examination application, along with the required fee directly with the testing service.

(d) Persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 246-840-100.

(e) Request the licensing agency in the country of original license to submit evidence of licensure.

(f) Submit a notarized copy of the certificate issued by the CGFNS or results of TOEFL exam.

(g) If the applicant's original documents (education and licensing) are on file in another state or with the CGFNS, the applicant may request that the state board or the CGFNS send notarized copies in lieu of the originals.

(h) Submit one recent passport sized photograph of the applicant unmounted and signed by the applicant across the front.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-080, filed 6/18/97, effective 7/19/97.]

WAC 246-840-090 Licensure by interstate endorsement. A license to practice as a nurse in Washington may be issued without examination provided the applicant meets all of the following requirements:

FOR PRACTICAL NURSE PROGRAMS:

(1) The applicant has graduated and holds a credential from:

(a) A commission or state board approved program preparing candidates for licensure as a practical nurse; or

(b) Its equivalent as determined by the commission, which program must fulfill the minimum requirement for commission or state board approved practical nursing programs in Washington at the time of graduation.

(2) Applicants shall have passed a state board constructed test, the SBTPE (state board test pool examination), or NCLEX in their original state of licensure.

(3) The applicant held or currently holds a license to practice as a practical nurse in another state or territory. If the license is lapsed or inactive for three years or more, the applicant must successfully complete a commission approved refresher course before an active Washington license is issued.

(4) That grounds do not exist for denial under chapter 18.130 RCW.

(5) The applicant shall:

(a) Submit a completed application with the required fee. The fee is not refundable.

(b) Submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 246-840-100.

FOR REGISTERED NURSE PROGRAMS:

(6) The applicant has graduated and holds a degree/diploma from a commission or state board approved school of nursing preparing candidates for licensure as a registered nurse provided such nursing program is equivalent to the minimum nursing educational standards prevailing for commission or state board approved schools of nursing in Washington at the time of the applicant's graduation.

(a) Applicants who were licensed prior to January 1, 1953, shall have scored at least seventy-five percent on the commission or state board examination in the state of original licensure.

(i) Applicants licensed after January 1, 1953, but before June 1, 1982, shall have passed the state board test pool examination for registered nurse licensure with a minimum standard score of 350 in each test.

(ii) Applicants licensed after July 1, 1982, shall have passed with a minimum standard score as established by contract with the National Council of State Boards of Nursing.

(b) The applicant holds a valid current license to practice as a registered nurse in another state or territory.

(c) The applicant complies with the education requirements of WAC 246-840-100.

(d) The application shall be completed and notarized, the fee must be filed with the application. The fee is not refundable. A notarized copy of a valid current license shall be filed with the application.

(e) Verification of licensure by examination shall be obtained from the state or territory of original licensure. Any fee for verification required by the state or territory of original license shall be paid by the applicant.

(7) Applicants from countries outside the United States who were granted a license in another United States jurisdiction or territory prior to December 31, 1971, and who were not required to pass the state board test pool examination shall meet the following requirements:

(a) The nursing education program shall meet the minimum approved standards prevailing for schools of nursing in Washington at the time of the applicant's graduation.

(b) The applicant holds a valid current license to practice as a registered nurse in another United States jurisdiction or territory.

(c) The applicant shall submit to the commission:

(i) A complete notarized application. The nonrefundable fee must be filed with the application.

(ii) Verification of original licensure obtained in the United States jurisdiction or territory.

(iii) Notarized copies of educational preparation and licensure by examination submitted directly from the country of original licensure or from the state commission or territory of original United States licensure.

(iv) Verification of current nursing practice for three years prior to application for Washington licensure.

(v) Evidence to show compliance with the education requirements of WAC 246-840-100.

(d) The applicant shall meet all requirements of chapter 18.79 RCW and regulations of the commission.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-090, filed 6/18/97, effective 7/19/97.]

WAC 246-840-100 AIDS education and training.

(1) Acceptable education and training. The commission will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of seven hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(2) Implementation. The requirement for licensure application, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (1) of this section.

(3) Documentation. The licensee shall:

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

(b) Keep records for two years documenting attendance and description of the learning; and

(c) Be prepared to validate, through submission of these records, that education and training has taken place.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-100, filed 6/18/97, effective 7/19/97.]

WAC 246-840-105 Brief adjudicative proceedings—Denials based on failure to meet education, experience, or examination prerequisites for licensure. The commission adopts RCW 34.05.482 and 34.05.485 through 34.05.494 for adjudicative proceedings requested by applicants, who are denied a license under chapter 18.79 RCW or chapter 246-840 WAC for failure to meet the education, experience, or examination prerequisites for licensure. The sole issue at the adjudicative proceeding shall be whether the applicant meets the education, experience, and examination prerequisites for the issuance of a license.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-105, filed 6/18/97, effective 7/19/97.]

WAC 246-840-110 Renewal of licenses. (1) Individuals making application, and meeting all educational and testing requirements, will be issued a license, to expire on their birth anniversary date.

(2) Licensees may renew their licenses, at the current renewal fee rate. Before the expiration date of the individual's license, the secretary shall mail a notice for renewal of license to every person holding a current license. The licensee must return such notice along with current renewal fees and surcharges prior to the expiration of said license. Failure of any licensee to receive such notice shall not relieve or exempt such licensee from the requirements of this section.

(3) The late payment penalty provision will be applied as follows: Any renewal that is postmarked or presented to the department after midnight on the expiration date is late and subject to a late renewal penalty fee.

(4) A license, active or inactive, that is not renewed is considered lapsed. If the licensee fails to renew his or her license within one year from expiration thereof, such individual must apply for licensing under the statutory conditions then in force. If the licensee fails to renew the license within three years from the expiration date, the individual must also meet the requirements of WAC 246-840-120.

(5) **Illegal practice:** Any person practicing as a licensed practical nurse or registered nurse during the time that such individual's license is inactive or has lapsed shall be considered an illegal practitioner and shall be subjected to all the penalties provided for violators under the provisions of RCW 18.130.190.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-110, filed 6/18/97, effective 7/19/97.]

WAC 246-840-113 Impaired practical nurse program—Content—License surcharge. (1) To implement an impaired practical nurse program as authorized by RCW 18.130.175, the nursing commission shall enter into a contract with a voluntary substance abuse monitoring program. The impaired practical nurse program may include any or all of the following:

- (a) Contracting with providers of treatment programs;
- (b) Receiving and evaluating reports of suspected impairment from any source;
- (c) Intervening in cases of verified impairment;
- (d) Referring impaired practical nurses to treatment programs;
- (e) Monitoring the treatment and rehabilitation of impaired practical nurses including those ordered by the board;
- (f) Providing education, prevention of impairment, posttreatment monitoring, and support of rehabilitated impaired practical nurses; and
- (g) Performing other related activities as determined by the board.

(2) A contract entered into under subsection (1) of this section shall be financed by a surcharge of up to four dollars on each active license renewal to be collected by the department of health from each practical nurse licensed under chapter 18.79 RCW. These moneys shall be placed in the health professions account to be used solely for the implementation of the impaired practical nurse program.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-113, filed 6/18/97, effective 7/19/97.]

WAC 246-840-115 Responsibility for maintaining mailing address. It is the responsibility of each licensee to maintain a current mailing address on file with the commission. The mailing address on file with the commission shall be used for mailing of all official matters from the commission to the licensee. If charges against the licensee are mailed by certified mail to the address on file with the commission and returned unclaimed or are unable to be delivered for any reason, then the commission may proceed against the licensee by default under RCW 34.05.440.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-115, filed 6/18/97, effective 7/19/97.]

WAC 246-840-120 Return to active status from inactive or lapsed status. Persons on inactive and/or lapsed status for three years or more, who do not hold a current active license in any other United States jurisdiction and who wish to return to active status shall be issued a limited educational license to enroll in a commission approved refresher course. Upon successful completion of the course, the individual's license shall be returned to active status. The limited educational license is valid only while working under the direct supervision of a preceptor and is not valid for employment as a licensed practical or registered nurse. Upon successful completion of the course, the individual's license shall be returned to active status.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-120, filed 6/18/97, effective 7/19/97.]

WAC 246-840-130 Criteria for approved refresher course. (1) Philosophy, purpose and objectives.

(a) Philosophy, purpose and objectives of the course shall be clearly stated and available in written form. They shall be consistent with the definition of nursing as outlined in chapter 18.79 RCW.

(b) Objectives reflecting the philosophy shall be stated in behavioral terms and describe the capabilities and competencies of the graduate.

(2) Faculty.

(a) All nurse faculty shall hold a current license to practice as a registered nurse in the state of Washington.

(b) All faculty shall be qualified academically and professionally for their respective areas of responsibility.

(c) All faculty shall be qualified to develop and implement the program of study.

(d) Faculty shall be sufficient in number to achieve the stated program objectives.

(e) The maximum faculty to student ratio in the clinical area shall be 1 to 12. Exceptions shall be justified to and approved by the commission.

(3) Course content.

(a) The course content, length, methods of instruction and learning experiences shall be consistent with the philosophy and objectives of the course. Outlines and descriptions of all learning experiences shall be available in writing.

FOR PRACTICAL NURSE PROGRAMS:

(b) The course content shall consist of a minimum of sixty hours of theory content and one hundred twenty hours of clinical practice.

(c) The theory course content shall include, but not be limited to, a minimum of sixty hours in current basic concepts of:

- (i) Nursing process;
- (ii) Pharmacology;
- (iii) Review of the concepts in the areas of:
 - (A) Practical nursing today including legal expectations;
 - (B) Basic communications and observational practices needed for identification, reporting, and recording patient needs; and

(C) Basic physical, biological, and social sciences necessary for practice; and

(iv) Review and updating of practical nursing knowledge and skills to include, but not be limited to, concepts of fundamentals, medical/surgical, parent/child, geriatric, and mental health nursing.

(d) The clinical course content shall include a minimum of one hundred twenty hours of clinical practice in the area(s) listed in (c) of this subsection. Exceptions shall be justified to and approved by the commission.

FOR REGISTERED NURSE PROGRAMS:

(e) The course content shall consist of a minimum of forty hours core course content, forty hours of specialty course content, and one hundred sixty hours of clinical practice in the specialty area.

(f) The core course content shall include, but not be limited to, a minimum of forty hours of theory in current basic concepts of:

- (i) Nursing process;
- (ii) Pharmacology;
- (iii) Review of the concepts in the areas of:
 - (A) Professional nursing today including legal expectations;

(B) Basic communications and observational practices needed for identification, reporting, and recording patient needs; and

(C) Basic physical, biological and social sciences necessary for practice; and

(iv) Review and updating of basic nursing knowledge.

(g) The specialty course content shall include, but not be limited to, a minimum of forty hours of theory in current specialty nursing practice concepts of basic nursing related to the special area of interest such as surgical; pediatrics; obstetrics; psychiatric; acute, intensive, or extended care nursing; or community health nursing.

(h) The clinical course content shall include a minimum of one hundred sixty hours of clinical practice in the specialty area(s) listed in (c) and (d) of this subsection. Exceptions shall be justified to and approved by the commission.

FOR BOTH REGISTERED NURSE AND PRACTICAL NURSE PROGRAMS:

(4) Evaluation.

(a) Evaluation methods shall be used to measure the student's achievement of the stated theory and clinical objectives.

(b) The course shall be periodically evaluated by faculty and students.

(5) Admission requirements.

(a) Any person holding an inactive practical or registered nurse license in another state may apply for a limited educational license provided that the applicant meets the requirements of WAC 246-840-120.

(b) Requirements for admission shall be available in writing.

(c) All students shall hold a current valid license or hold (apply and be eligible for) a limited educational license approved by the commission.

(6) Records.

(a) Evidence that the student has successfully completed the course and met the stated objectives shall be kept on file.

(b) The refresher course provider shall submit a certification of successful completion of the course to the commission office.

(7) Refresher courses taken outside of the state of Washington shall be reviewed individually for approval by the commission prior to starting the course.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-130, filed 6/18/97, effective 7/19/97.]

WAC 246-840-300 Advanced registered nurse practitioner. An advanced registered nurse practitioner is a registered nurse prepared in a formal educational program to assume an expanded role in providing health care services. Advanced registered nurse practitioners function within the scope of practice reviewed and approved by the commission. Those scopes reviewed are the statements of scope accepted by the certifying bodies as the basis for their test plan and selection of test items. Advanced registered nurse practitioners are qualified to assume primary responsibility for the care of their patients. This practice incorporates the use of independent judgment as well as collaborative interaction with other health care professionals when indicated in the assessment and management of wellness and conditions as appropriate to the ARNP's area of specialization. An advanced registered nurse practitioner shall:

(1) Hold a current license to practice as a registered nurse in Washington; and

(2) Have completed a formal advanced nursing education meeting the requirements of WAC 246-840-305; and

(3) Present documentation of initial certification credential for specialized and advanced nursing practice granted by a national certifying body whose certification program is approved by the commission, and subsequently maintain currency and competency as defined by the certifying body; and

(4) Be held accountable to scope of practice and the standards of care established for the specialty as reviewed and approved by the commission.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-300, filed 6/18/97, effective 7/19/97.]

WAC 246-840-305 Criteria for formal advanced nursing education meeting the requirement for ARNP licensure. (1) The college or university graduate education program which prepares the registered nurse for advanced nursing practice as an ARNP shall have as its primary purpose the preparation of nurses for the expanded nursing role as an advanced registered nurse practitioner. Documen-

tation that may be requested to substantiate preparation for the ARNP role may include, but shall not be limited to:

(a) The philosophy, purpose, and objectives of the program, which are clearly defined and available in written form.

(b) The objectives reflecting the philosophy which are written in outcomes that describe the competencies of the graduate.

(c) Administrative policies of the program, which include:

(i) Clearly stated admission criteria, available in written form.

(ii) Provision of official evidence that the student has completed the program successfully.

(iii) Documentation that the program is conducted by an accredited college or university.

(d) Evidence that faculty meet the following requirements:

(i) Inclusion of faculty who are currently authorized to assume primary responsibility for patient care in the given specialty.

(ii) Only medical faculty who are authorized to practice.

(iii) The number of qualified faculty in the specialty area available to develop and implement the program is adequate.

(iv) Preceptors participate in teaching, supervising, and evaluating students. Criteria are in place for selection and functioning of preceptors. Preceptors guide students and communicate with faculty regarding student progress.

(e) Curriculum of the advanced nursing practice program which reflects:

(i) Course content that is consistent with the philosophy and objectives of the program.

(ii) Theory and clinical experience relevant to the specialized area of advanced practice and leading to achievement of the defined outcome competencies. These shall include content in biological, behavioral, nursing, medical, pharmacological, and regulation of the advanced practice role.

(iii) Before January 1, 1995, content that requires a minimum of one academic year for completion.

(iv) After January 1, 1995, content that culminates in a graduate degree with a concentration in advanced nursing practice.

(v) If the educational program to prepare for the advanced nursing practice role is taken after completion of the graduate degree, the candidate must submit evidence that the practitioner preparation program, as stated in (e)(ii) of this subsection, is equivalent to that leading to a graduate degree in advanced practice specialty.

(f) Outlines and descriptions of curriculum content which are available in written form.

(2) The commission will review educational programs that an applicant is considering for preparation for advanced practice to assist in selection of a program that meets requirements. All requests for review must be in writing. Written response will be provided to all applicants in this category and maintained in applicant's file at the board of nursing.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-305, filed 6/18/97, effective 7/19/97.]

WAC 246-840-310 Use of nomenclature. Any person who qualifies under WAC 246-840-300 and whose application for advanced registered nurse practitioner designation has been approved by the commission shall be designated as an advanced registered nurse practitioner and shall have the right to use the title "advanced registered nurse practitioner" or nurse practitioner and the abbreviation following the nurse's name shall read "ARNP" and the title or abbreviation designated by the approved national certifying body. No other initials or abbreviations shall legally denote advanced nursing practice. No other person shall assume such title or use such abbreviation. No other person shall use any other title, words, letters, signs or figures to indicate that the person using same is recognized as an advanced registered nurse practitioner and:

- (1) Family nurse practitioner, FNP; or
- (2) Women's health care nurse practitioner; or
- (3) Pediatric nurse practitioner/associate, PNP/PNA; or
- (4) Adult nurse practitioner, ANP; or
- (5) Geriatric nurse practitioner, GNP; or
- (6) Certified nurse midwife/nurse midwife, CNM; or
- (7) Certified registered nurse anesthetist, CRNA; or
- (8) School nurse practitioner, SNP; or
- (9) Neonatal nurse practitioner, NNP.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-310, filed 6/18/97, effective 7/19/97.]

WAC 246-840-315 Clinical specialist in psychiatric/mental health nursing. Clinical specialist in psychiatric/mental health nursing is an advanced practice specialty which may qualify for ARNP licensure as delineated in WAC 246-840-305. Clinical specialist in psychiatric/mental health is a title which may be used by persons certified by the national credentialing body, but who are not ARNP's.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-315, filed 6/18/97, effective 7/19/97.]

WAC 246-840-320 Certification and certification program. (1) Certification is a form of credentialing, under sponsorship of a national certifying body that recognizes specialized and advanced nursing practice.

(2) A certification program is used by a national certifying body to grant the certification credential. A certification program shall be based on:

(a) A scope of practice statement as identified in WAC 246-840-300 shall denote the dimension and boundary, the focus, and the standards of specialized and advanced nursing practice in the area of certification.

(b) A formal program of study requirement in the area of certification which shall:

(i) Be based on measurable objectives that relate directly to the scope of practice;

(ii) Include theoretical and clinical content directed to the objectives; and

(iii) Be equivalent to at least one academic year. A preceptorship which is part of the formal program shall be included as part of the academic year. Current practice in the area of certification will not be accepted as a substitute for the formal program of study.

(c) An examination in the area of certification which shall:

- (i) Measure the theoretical and clinical content denoted in the scope of practice;
- (ii) Be developed in accordance with generally accepted standards of validity and reliability; and
- (iii) Be open only to registered nurses who have successfully completed the program of study referred to in (b) of this subsection.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-320, filed 6/18/97, effective 7/19/97.]

WAC 246-840-330 Commission approval of certification programs. (1) A licensee may request that a certification program be considered for approval and shall submit documentation showing that the program meets the requirements of WAC 246-840-320(2).

(2) The commission shall periodically review each certification program and may discontinue approval in the event that a certification program no longer meets the requirements of WAC 246-840-320(2).

(3) The commission shall notify licensees of pending review and may request that further information be provided regarding continued compliance with the provisions of WAC 246-840-320(2).

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-330, filed 6/18/97, effective 7/19/97.]

WAC 246-840-340 Application requirements for ARNP. A registered nurse applicant for licensure as an ARNP shall:

(1) Submit a completed application and nonrefundable fee as specified in WAC 246-840-990.

(2) Meet the requirements of WAC 246-840-300 and 246-840-305. The following documents shall be submitted as evidence to these requirements:

(a) An official transcript received by the commission directly from the formal advanced nursing education program showing all courses, grades, degree or certificate granted, official seal and appropriate registrar or program director's signature.

(b) Program objectives and course descriptions.

(c) Documentation from program director or faculty specifying the area of specialty, unless such is clearly indicated on the official transcript.

(3) Have graduated from an advanced nursing education program, as defined in WAC 246-840-300, within five years of application; if longer than five years have practiced a minimum of one thousand five hundred hours in an expanded specialty role within five years immediately preceding application.

(4) Submit evidence of certification by a certification program approved by the commission.

(5) Persons not meeting the educational requirements in subsection (2) of this section may be licensed if:

(a) Certified prior to December 31, 1994, by a national certifying organization recognized by the commission at the time certification was granted; and

(b) Recognized as an advanced registered nurse practitioner by another jurisdiction prior to December 31, 1994; and

(c) Completed an advanced registered nurse practitioner program equivalent to one academic year.

(6) Persons not meeting the requirements in subsection (3) of this section may be licensed following successful completion of five hundred hours of clinical practice supervised by an advanced registered nurse practitioner or a physician (licensed under chapter 18.71 or 18.57 RCW) in the same specialty area. Following completion of the supervised practice, the supervisor shall submit an evaluation to the commission and verify that the applicant's knowledge and skills are at a safe and appropriate level.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-340, filed 6/18/97, effective 7/19/97.]

WAC 246-840-345 ARNP designation in more than one area of specialty. (1) An applicant who wishes to be recognized in more than one ARNP area of specialization and title shall be required to submit separate application and nonrefundable fee for each area.

(2) All requirements in WAC 246-840-300 through 246-840-370 must be met for each area of specialization.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-345, filed 6/18/97, effective 7/19/97.]

WAC 246-840-350 Application requirements for ARNP interim permit. A registered nurse who has completed advanced formal education and registered for a commission approved national certification examination may be issued an interim permit to practice specialized and advanced nursing pending notification of the results of the first certification examination. The holder of an ARNP permit shall use the title graduate registered nurse practitioner (GRNP).

(1) An applicant for ARNP interim permit shall:

(a) Submit a completed application on a form provided by the commission accompanied by a nonrefundable fee as specified in WAC 246-840-990; and

(b) Submit documentation of completion of advanced formal education in the area of specialty; and

(c) Submit documentation of registration for the first certification examination administered by an approved certification program following completion of advanced formal education; and

(d) Hold a current license to practice as a registered nurse in Washington.

(2) The permit expires when advanced registered nurse practitioner status is granted. If the applicant fails the examination, the interim permit shall expire upon notification and is not renewable.

(3) An applicant who does not write the examination on the date scheduled shall immediately return the permit to the department of health.

(4) The interim permit authorizes the holder to perform the functions of advanced and specialized nursing practice as described in this section.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-350, filed 6/18/97, effective 7/19/97.]

WAC 246-840-360 Renewal of ARNP designation. ARNP designation shall be renewed every two years on the ARNP's birthday. The applicant shall:

(1) Maintain a current registered nurse license in Washington.

(2) Submit evidence of current certification by her/his certifying body.

(3) Provide documentation of thirty contact hours (a contact hour is fifty minutes) of continuing education during the renewal period in the area of certification derived from any combination of the following approved by the commission:

- (a) Formal academic study;
- (b) Continuing education offerings.

(4) Attest, on forms provided by the commission, to having a minimum of two hundred fifty hours of specialized and advanced nursing practice within the preceding biennium providing direct patient care services. The commission may perform random audits of licensee's attestations.

(5) Submit a nonrefundable fee as specified. If the licensee fails to renew his or her ARNP designation prior to the expiration date, then the individual is subject to the late renewal fee specified in WAC 246-840-990.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-360, filed 6/18/97, effective 7/19/97.]

WAC 246-840-365 Return to active ARNP status from inactive or lapsed status. Persons on inactive or lapsed status who do not hold a current active license in any other United States jurisdiction and who wish to return to active status shall apply for reinstatement of ARNP licensure. This requires:

- (1) Current RN license in the state of Washington.
- (2) Evidence of current certification by his/her certifying body.

(3) Documentation of thirty contact hours of continuing education in the area of specialty during the last two years.

(4) Two hundred fifty hours of precepted/supervised advanced clinical practice supervised by an ARNP or physician in the same specialty within the last year.

During the time of the preceptorship, the nurse will be practicing under RN license and will not use the designation ARNP.

ARNP licensure must be reinstated before reapplying for prescriptive authority. At that time the CE requirement will be the same as if applying for prescriptive authority for the first time, as in WAC 246-840-410.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-365, filed 6/18/97, effective 7/19/97.]

WAC 246-840-370 Termination of ARNP designation by the commission. ARNP designation may be terminated by the commission when the ARNP has:

- (1) Practiced outside the scope of practice denoted for the area of certification; or
- (2) Been found in violation of any provision of RCW 18.79.250 or 18.130.180.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-370, filed 6/18/97, effective 7/19/97.]

WAC 246-840-400 ARNP with prescriptive authorization. An advanced registered nurse practitioner licensed under chapter 18.79 RCW when authorized by the nursing commission may prescribe drugs pursuant to applicable state

and federal laws. The ARNP when exercising prescriptive authority is accountable for competency in:

- (1) Patient selection;
- (2) Problem identification through appropriate assessment;
- (3) Medication and/or device selection;
- (4) Patient education for use of therapeutics;
- (5) Knowledge of interactions of therapeutics, if any;
- (6) Evaluation of outcome; and
- (7) Recognition and management of complications and untoward reactions.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-400, filed 6/18/97, effective 7/19/97.]

WAC 246-840-410 Application requirements for ARNP with prescriptive authority. An advanced registered nurse practitioner who applies for authorization to prescribe drugs shall:

- (1) Be currently designated as an advanced registered nurse practitioner in Washington.
- (2) Be designated by their national certifying body as:
 - (a) A family nurse practitioner; or
 - (b) A women's health care nurse practitioner; or
 - (c) A pediatric nurse practitioner/associate; or
 - (d) An adult nurse practitioner; or
 - (e) A geriatric nurse practitioner; or
 - (f) A nurse midwife; or
 - (g) A nurse anesthetist; or
 - (h) A school nurse practitioner; or
 - (i) A clinical specialist in psychiatric and mental health nursing; or
 - (j) A neonatal nurse practitioner.

(3) Provide evidence of completion of thirty contact hours of education in pharmacotherapeutics related to the applicant's scope of specialized and advanced practice and:

- (a) Include pharmacokinetic principles and their clinical application and the use of pharmacological agents in the prevention of illness, restoration, and maintenance of health.
- (b) Are obtained within a two-year time period immediately prior to the date of application for prescriptive authority.

(c) Are obtained from the following:

- (i) Study within the advanced formal educational program; and/or
- (ii) Continuing education programs.

Exceptions shall be justified to and approved by the commission.

(4) Submit a completed, notarized application on a form provided by the commission accompanied by a nonrefundable fee as specified in WAC 246-840-990.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-410, filed 6/18/97, effective 7/19/97.]

WAC 246-840-420 Authorized prescriptions by the ARNP with prescriptive authority. (1) Prescriptions for drugs shall comply with all applicable state and federal laws. (2) Prescriptions shall be signed by the prescriber with the initials ARNP.

(3) Prescriptions for controlled substances in Schedules I through IV are prohibited by RCW 18.79.240 (1)(r).

(4) Any ARNP with prescriptive authorization who prescribes Schedule V controlled substances shall register with the drug enforcement administration.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-420, filed 6/18/97, effective 7/19/97.]

WAC 246-840-430 Termination of ARNP prescriptive authorization. Prescriptive authorization may be terminated by the commission when the ARNP with prescriptive authority has:

- (1) Not maintained current designation as an ARNP in the area of certification; or
- (2) Prescribed outside the ARNP scope of practice or for other than therapeutic purposes; or
- (3) Violated provisions of RCW 18.79.250; or
- (4) Violated any state or federal law or regulations applicable to prescriptions.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-430, filed 6/18/97, effective 7/19/97.]

WAC 246-840-440 Prescriptive authorization period. (1) Prescriptive authorization shall be for a period of two years.

(2) Initial authorization shall expire on the applicant's renewal date for ARNP designation.

(3) Authorization shall be renewed after the applicant meets the requirements of WAC 246-840-450.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-440, filed 6/18/97, effective 7/19/97.]

WAC 246-840-450 Renewal. ARNP with prescriptive authorization shall be renewed every two years. For renewal of ARNP with prescriptive authorization, the licensee shall:

- (1) Meet the requirements of WAC 246-840-360 (1), (2), and (3).
- (2) Provide documentation of fifteen additional contact hours of continuing education during the renewal period in pharmacotherapeutics related to licensee's scope of practice. This continuing education shall meet the requirements of WAC 246-840-410 (3)(a).
- (3) Submit a completed and notarized renewal application with a nonrefundable fee as specified in WAC 246-840-990. If the licensee fails to renew his or her prescriptive authorization prior to the expiration date, then the individual is subject to the late renewal fee specified in WAC 246-840-990.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-450, filed 6/18/97, effective 7/19/97.]

WAC 246-840-540 Appeal of commission decisions. A nursing education program deeming itself aggrieved by a decision of the commission affecting its approval status shall have the right to appeal the commission's decision in accordance with the provisions of chapter 18.79 RCW and the Administrative Procedure Act, chapter 34.05 RCW.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-540, filed 6/18/97, effective 7/19/97. Statutory Authority: RCW 18.79.110. 95-21-072, § 246-840-540, filed 10/16/95, effective 11/16/95.]

WAC 246-840-565 Students in approved nursing education programs. (1) The approved nursing education program shall:

(a) Provide in writing policies and procedures for selection, admission, progression, graduation, withdrawal, and dismissal. These policies shall be consistent with the policies of the governing institution. Where necessary, policies specific to nursing students may be adopted if justified by the nature and purposes of the nursing program.

(b) Maintain a system of student records.

(c) Provide a written statement of student rights and responsibilities.

(d) Require that students who seek admission by transfer from another approved nursing education program, or readmission for completion of the program, shall meet the equivalent of the program's current standards.

(2) The nursing education program shall provide the student in an ADN or BSN program with information on the legal definition and parameters of the nursing technician role, as in WAC 246-840-010(19) and 246-840-840. Such information shall be provided prior to the time of completion of the first clinical course and shall clearly advise the student of their responsibilities, should they choose to be employed as a nursing technician.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-565, filed 6/18/97, effective 7/19/97. Statutory Authority: RCW 18.79.110. 95-21-072, § 246-840-565, filed 10/16/95, effective 11/16/95.]

WAC 246-840-700 Standards of nursing conduct or practice. The purpose of defining standards of nursing conduct or practice through WAC 246-840-700 and 246-840-710 is to identify responsibilities of the nurse in health care settings and as provided in the Nursing Practice Act, chapter 18.79 RCW. Violation of these standards may be grounds for disciplinary action pursuant to chapter 18.130 RCW. Each individual, upon entering the practice of nursing, assumes a measure of responsibility and public trust and the corresponding obligation to adhere to the standards of nursing practice. The nurse shall be responsible and accountable for the quality of nursing care given to clients. This responsibility cannot be avoided by accepting the orders or directions of another person. The standards of nursing conduct or practice include, but are not limited to the following:

FOR REGISTERED NURSES:

(1) Nursing process:

(a) The registered nurse shall collect pertinent objective and subjective data regarding the health status of the client.

(b) The registered nurse shall plan and implement nursing care which will assist the client to maintain or return to a state of health or will support a dignified death.

(c) The registered nurse shall communicate significant changes in the client's status to appropriate members of the health care team. This communication shall take place in a time period consistent with the client's need for care.

(d) The registered nurse shall document, on essential client records, the nursing care given and the client's response to that care.

(2) Delegation and supervision: The registered nurse shall be accountable for the safety of clients receiving nursing service by:

(a) Delegating selected nursing functions to others in accordance with their education, credentials, and demonstrated competence.

(b) Supervising others to whom he/she has delegated nursing functions.

(3) Other responsibilities:

(a) The registered nurse shall have knowledge and understanding of the laws and rules regulating nursing and shall function within the legal scope of nursing practice.

(b) The registered nurse shall be responsible and accountable for practice based on and limited to the scope of her/his education, demonstrated competence, and nursing experience.

(c) The registered nurse shall obtain instruction, supervision, and consultation as necessary before implementing new or unfamiliar techniques or practices.

(d) The registered nurse shall be responsible for maintaining current knowledge in his/her field of practice.

(e) The registered nurse shall conduct nursing practice without discrimination.

(f) The registered nurse shall respect the client's right to privacy by protecting confidential information.

(g) The registered nurse shall report unsafe nursing acts and practices, and illegal acts as defined in WAC 246-840-730.

FOR PRACTICAL NURSES:

(4) The licensed practical nurse, functioning under the direction and supervision of other licensed health care professionals as provided in RCW 18.79.060, shall be responsible and accountable for his or her own nursing judgments, actions and competence.

(5) The licensed practical nurse shall practice practical nursing in the state of Washington only with a current Washington license.

(6) The licensed practical nurse shall not permit his or her license to be used by another person for any purpose.

(7) The licensed practical nurse shall have knowledge of the statutes and rules governing licensed practical nurse practice and shall function within the legal scope of licensed practical nurse practice.

(8) The licensed practical nurse shall not aid, abet or assist any other person in violating or circumventing the laws or rules pertaining to the conduct and practice of licensed practical nursing.

(9) The licensed practical nurse shall not disclose the contents of any licensing examination or solicit, accept or compile information regarding the contents of any examination before, during or after its administration.

(10) The licensed practical nurse shall delegate activities only to persons who are competent and qualified to undertake and perform the delegated activities, and shall not delegate to unlicensed persons those functions that are to be performed only by licensed nurses.

(11) The licensed practical nurse, in delegating functions, shall supervise the persons to whom the functions have been delegated.

(12) The licensed practical nurse shall act to safeguard clients from unsafe practices or conditions, abusive acts, and neglect.

(13) The licensed practical nurse shall report unsafe acts and practices, unsafe practice conditions, and illegal acts to the appropriate supervisory personnel or to the appropriate state disciplinary board or commission.

(14) The licensed practical nurse shall respect the client's privacy by protecting confidential information, unless required by law to disclose such information.

(15) The licensed practical nurse shall make accurate, intelligible entries into records required by law, employment or customary practice of nursing, and shall not falsify, destroy, alter or knowingly make incorrect or unintelligible entries into client's records or employer or employee records.

(16) The licensed practical nurse shall not sign any record attesting to the wastage of controlled substances unless the wastage was personally witnessed.

(17) The licensed practical nurse shall observe and record the conditions of a client, and report significant changes to appropriate persons.

(18) The licensed practical nurse may withhold or modify client care which has been authorized by an appropriate health care provider, only after receiving directions from an appropriate person, unless in a life threatening situation.

(19) The licensed practical nurse shall leave a nursing assignment only after properly reporting to and notifying appropriate persons and shall not abandon clients.

(20) The licensed practical nurse shall not misrepresent his or her education and ability to perform nursing procedures safely.

(21) The licensed practical nurse shall respect the property of the client and employer and shall not take equipment, materials, property or drugs for his or her own use or benefit nor shall the licensed practical nurse solicit or borrow money, materials or property from clients.

(22) The licensed practical nurse shall not obtain, possess, distribute or administer legend drugs or controlled substances to any person, including self, except as directed by a person authorized by law to prescribe drugs.

(23) The licensed practical nurse shall not practice nursing while affected by alcohol or drugs, or by a mental, physical or emotional condition to the extent that there is an undue risk that he or she, as a licensed practical nurse, would cause harm to him or herself or other persons.

(24) It is inconsistent for a licensed practical nurse to perform functions below the minimum standards of competency as expressed in WAC 246-840-715.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-700, filed 6/18/97, effective 7/19/97.]

WAC 246-840-705 Functions of a licensed practical nurse. A licensed practical nurse is one who has met the requirements of the Washington state Nurse Practice Act, chapter 18.79 RCW. The licensed practical nurse recognizes and is able to meet the basic needs of the client, and gives nursing care under the direction and supervision of the registered nurse or licensed physician to clients in routine nursing situations. In more complex situations the licensed

practical nurse functions as an assistant to the registered nurse and carries out selected aspects of the designated nursing regimen.

A routine nursing situation is one that is relatively free of scientific complexity. The clinical and behavioral state of the client is relatively stable and requires abilities based upon a comparatively fixed and limited body of knowledge.

In complex situations, the licensed practical nurse facilitates client care by meeting specific nursing requirements to assist the registered nurse in the performance of nursing care.

The functions of the licensed practical nurse makes practical nursing a distinct occupation within the profession of nursing. The licensed practical nurse has specific roles in nursing in direct relation to the length, scope and depth of his or her formal education and experience. In the basic program of practical nursing education, the emphasis is on direct client care.

With additional preparation, through continuing education and practice, the licensed practical nurse prepares to assume progressively more complex nursing responsibilities.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-705, filed 6/18/97, effective 7/19/97.]

WAC 246-840-710 Violations of standards of nursing conduct or practice. The following will serve as a guideline for the nurse as to the acts, practices, or omissions that are inconsistent with generally accepted standards of nursing conduct or practice. Such conduct or practice may be grounds for action with regard to the license to practice nursing pursuant to chapter 18.79 RCW and the Uniform Disciplinary Act, chapter 18.130 RCW. Such conduct or practice includes, but is not limited to the following:

(1) Failure to adhere to the standards enumerated in WAC 246-840-700(1) which may include:

(a) Failing to assess and evaluate a client's status or failing to institute nursing intervention as required by the client's condition.

(b) Willfully or repeatedly failing to report or document a client's symptoms, responses, progress, medication, or other nursing care accurately and/or intelligibly.

(c) Willfully or repeatedly failing to make entries, altering entries, destroying entries, making incorrect or illegible entries and/or making false entries in records pertaining to the giving of medication, treatments, or other nursing care.

(d) Willfully or repeatedly failing to administer medications and/or treatments in accordance with policy and procedure.

(e) Willfully or repeatedly failing to follow the policy and procedure for the wastage of medications where the nurse is employed or working.

(f) Willfully causing or contributing to physical or emotional abuse to the client.

(2) Failure to adhere to the standards enumerated in WAC 246-840-700(2) which may include:

(a) Delegating nursing care function or responsibilities to a person who the nurse knows or has reason to know lacks the ability or knowledge to perform the function or responsibility, or delegating to unlicensed persons those

functions or responsibilities the nurse knows or has reason to know are to be performed only by licensed persons. This section should not be construed as prohibiting delegation to family members and other caregivers exempted by RCW 18.79.040(3), 18.79.050, 18.79.060 or 18.79.240.

(b) Failure to supervise those to whom nursing activities have been delegated. Such supervision shall be adequate to prevent an unreasonable risk of harm to clients.

(3) Failure to adhere to the standards enumerated in WAC 246-840-700(3) which may include:

(a) Performing or attempting to perform nursing techniques and/or procedures for which the nurse lacks the appropriate knowledge, experience, and education and/or failing to obtain instruction, supervision and/or consultation for client safety.

(b) Violating the confidentiality of information or knowledge concerning the client, except where required by law or for the protection of the client.

(c) Writing prescriptions for drugs unless authorized to do so by the board.

(4) Other violations:

(a) Appropriating for personal use medication, supplies, equipment, or personal items of the client, agency, or institution.

(b) Practicing nursing while impaired by any mental, physical and/or emotional condition to the extent that the person may be unable to practice with reasonable skill and safety.

(c) Willfully abandoning clients by leaving a nursing assignment without transferring responsibilities to appropriate personnel or caregiver when continued nursing care is required by the condition of the client(s).

(d) Practicing nursing while impaired by alcohol and/or drugs.

(e) Conviction of a crime involving physical abuse or sexual abuse relating to the practice of nursing.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-710, filed 6/18/97, effective 7/19/97.]

WAC 246-840-715 Standards/competencies. Minimum standards of competency expected of beginning licensed practical nurses include the following:

(1) **Standard I** - The practical nurse assists in implementing the nursing process. The nursing process is defined as a systematic approach to nursing care which has the goal of facilitating an optimal level of functioning for the client, recognizing cultural and religious diversity.

The components of the nursing process are assessing, planning, implementing and evaluating. Written and verbal communication is essential to the nursing process.

Competencies:

(a) Assessment - Makes observations, gathers data and assists in identification of needs and problems relevant to the client.

(i) Makes basic observations of clients' safety and comfort needs.

(ii) Identifies physical discomfort and environmental threats to client safety.

(iii) Identifies basic physiological, emotional, sociological, cultural, economic, and spiritual needs.

(iv) Collects specific data as directed.

- (v) Identifies major deviation from normal.
- (vi) Selects data from established sources relevant to client's needs or problems.
- (vii) Collaborates in organizing data.
- (viii) Assists in formulating the list of clients' needs or problems.
- (ix) Identifies major short-term and long-term needs of clients.
- (b) Planning - Contributes to the development of approaches to meet the needs of clients and families.
 - (i) Develops client care plans, utilizing a standardized nursing care plan.
 - (ii) Assists in setting priorities for nursing care.
 - (iii) Participates in client care conferences.
- (c) Implementation - Carries out planned approaches to client care.
 - (i) Carries out nursing actions developed in care plan to ensure safe and effective nursing care.
 - (ii) Performs common therapeutic nursing techniques.
 - (iii) Administers medications safely and accurately, within institutional policies and procedures, and with knowledge of the medication being administered.
 - (d) Evaluation - Utilizing a standard plan for nursing care, appraises the effectiveness of client care.
 - (i) Collaborates in data collection relevant to outcome of care.
 - (ii) Assists in comparing outcome of care to formulated objective.
 - (iii) Assists with adjustments in care.
 - (iv) Reports outcome of care given.
- (2) **Standard II.** The practical nurse uses communication skills effectively in order to function as a member of the nursing team. Communication is defined as a process by which information is exchanged between individuals through a common system of symbols, signs, or behaviors that serves as both a means of gathering information and of influencing the behavior and feelings of others.

Competencies:

 - Applies beginning skills in verbal, nonverbal and written communication, recognizing and respecting cultural diversity and respecting the spiritual beliefs of individual clients.
 - (a) Uses common medical terminology and abbreviations.
 - (b) Interprets common medical terminology and abbreviations.
 - (c) Reports pertinent client communications regarding his/her physical and psycho-social welfare.
 - (d) Develops a working relationship with the client, family, and health team members.
 - (e) Interviews clients to collect specific data with or without a structured tool.
 - (f) Identifies possible communication blocks.
 - (g) Recognizes that communication can be facilitated by certain responses.
 - (h) Interacts appropriately in a one-to-one relationship and in a group setting.
 - (i) Modifies own communication pattern.
 - (j) Documents observations and actions correctly in the chart.
 - (k) Demonstrates the ability to communicate effectively in the work setting.

- (3) **Standard III.** In a structured setting the practical nurse demonstrates responsibility for own actions by using common techniques of problem solving and decision making to plan and organize own assignment. Problem solving and decision making include utilization of available resources to secure a desired result.

Competencies:

- (a) Participates in self-assessment.
 - (i) Identifies own strengths and weaknesses.
 - (ii) Maintains personal health.
 - (iii) Maintains appropriate appearance.
 - (iv) Seeks assistance as needed.
 - (v) Requests recommendations for improvements.
 - (vi) Incorporates new and appropriate behaviors in nursing action.
 - (vii) Evaluates completion of assigned duties.
- (b) Seeks learning opportunities that will foster growth.
 - (i) Plans goals for self improvement of performance with help of a supervisor.
 - (ii) Seeks opportunities for personal vocational growth.
 - (iii) Utilizes new knowledge and skills.
 - (iv) Participates in staff development.
 - (v) Demonstrates knowledge of professional organization and other contributors to past and present nursing advancement.
- (c) Applies knowledge of ethical and legal principles and responsibilities pertinent to self, clients, and others.
 - (i) Identifies scope and limitations of own role.
 - (ii) Functions within the law regulating the practice of practical nursing.
 - (iii) Demonstrates ethical practice in providing client care.
 - (iv) Respects and maintains the client's privacy interests.
 - (d) Practices conservation of available resources.
 - (i) Demonstrates an understanding of hospital and client costs by economical use of supplies and equipment.
 - (ii) Participates in nursing audit.
 - (e) Follows employer rules and regulations.
 - (i) Functions according to the job description, recognizing employer/employee expectations.
 - (ii) Explains employer rules and regulations as they apply to client and family.
- (4) **Standard IV.** The practical nurse assists in the health teaching of clients recognizing individual differences. Health teaching is defined as facilitating learning and instructing clients and significant others in preventive and therapeutic measures.

Competencies:

 - (a) Health teaching - Assists in the development of teaching plans for the individual client.
 - (i) Identifies major health education needs and problems of clients.
 - (ii) Communicates observation of health and learning needs.
 - (iii) Assists in individualizing the teaching plan to include others when appropriate.
 - (b) Implements teaching of basic health information according to the appropriate teaching plan.
 - (c) Communicates client's request for information to appropriate team member.
 - (d) Documents client teaching on the appropriate records.

(5) **Standard V.** The practical nurse demonstrates an understanding of own role in the health care delivery system. Health care delivery systems are defined as the voluntary and governmental organizations and institutions at international, national, state, and local levels that influence health policy and encompass comprehensive services.

Competencies:

(a) Functions as a practical nurse within the health care delivery system. (See chapter 18.79 RCW.)

(i) Functions within the role of the practical nurse.

(ii) Identifies the basic functions of members of the health care delivery team.

(b) Recognizes functions of health care delivery systems.

(i) Identifies supportive services in client care settings.

(ii) Identifies community resources.

(iii) Identifies the need for assistance from other agencies.

(iv) Demonstrates ability to obtain information about health care agencies.

(c) Acts as client advocate in health maintenance and clinical care.

(i) Recognizes the rights of individuals to control their own health needs and make decisions about health services.

(ii) Provides client education concerning health care delivery systems.

(6) **Standard VI.** The practical nurse recognizes the need for change in a structured health care setting and demonstrates willingness to participate in effecting change. Change is defined as a systematic process which includes careful assessment and acceptance of responsibility for own actions, resulting in a significant alteration.

Competencies:

Recognizes need to adjust functions to comply with the accepted practical nurse role and assists in assessing effectiveness of current nursing practices in a given health care delivery system.

(a) Recognizes problems and the need for change in current nursing practice.

(b) Communicates needs for further change through appropriate channels.

(c) Identifies personal factors which influence response to change. Adapts own behavior.

(d) Accepts potential risks with instituting change.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-715, filed 6/18/97, effective 7/19/97.]

WAC 246-840-720 Mitigating circumstances. The commission recognizes that there may be circumstances inherent to various practice settings that may affect the commission's decision whether to issue a statement of charges, to make a finding of unprofessional conduct, or to determine a sanction.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-720, filed 6/18/97, effective 7/19/97.]

WAC 246-840-730 Mandatory reporting defined. The nursing commission does not intend to cause every nursing error to be reported or that mandatory reporting take away the disciplinary ability and responsibility from the employer of the licensed practical nurse or registered nurse.

FOR PRACTICAL NURSES:

(1) Any person, including health care facilities and agencies and state or local government, who is aware of a conviction or has made a determination or finding that a practical nurse has committed an act constituting unprofessional conduct as defined in RCW 18.130.180, including violation of chapter 246-840 WAC, shall report such conviction, determination or finding to the commission.

(2) Any person, including health care facilities and agencies and state or local government, who has information that a practical nurse may not be able to practice with reasonable skill and safety as a result of a mental or physical condition, shall report such information to the commission.

FOR REGISTERED NURSES:

(3) Any person, including nurses, health care facilities and agencies, and state or local government agencies, who has knowledge or concern that a registered nurse has committed an act which constitutes unprofessional conduct as provided in RCW 18.130.180, including violations of chapter 246-840 WAC, or failed to meet accepted standards for the level at which the registered nurse is licensed, or is unable to practice with reasonable skill or safety as the result of a physical or mental condition shall report or cause a report to be made to the commission. Failure of any nurse to comply with the reporting requirements may in itself constitute a violation of nursing standards.

(4) The decision to report a suspected violation of chapter 18.130 or 18.79 RCW or the rules adopted thereunder shall be based on, but not limited to the following:

(a) The past history of the registered nurse's performance.

(b) A demonstrated pattern of unsafe practice or conduct in violation of the standards of nursing.

(c) The magnitude of any single occurrence for actual or potential harm to the public health and safety.

(5) The following shall always be reported to the nursing commission:

(a) A nurse impostor. As used herein "nurse impostor" means an individual who is ineligible for registered nursing licensure or advanced registered nurse practitioner licensure and who practices or offers to practice registered nursing or advanced nursing or uses any title, abbreviation, card, or device to indicate that the individual is licensed to practice in Washington.

(b) A person who is practicing registered nursing when the license has become void due to nonpayment of fees.

(c) A person who is practicing registered nursing as defined in chapter 18.79 RCW unless licensed as a registered nurse or practical nurse, or a person who is practicing as a nurse practitioner as defined in WAC 246-840-300 while not licensed as an advanced registered nurse practitioner.

(d) A registered nurse who has been convicted of a crime which relates to the practice of nursing.

(e) A registered nurse who has been dismissed from employment due to unsafe practice or conduct in violation of the standards of nursing.

(f) Client abuse by a registered nurse.

(g) A demonstrated pattern of conduct in violation of the standards of nursing as defined by the rules of the

commission or a single occurrence that creates serious harm or risk to the client.

(h) Any violation of a disciplinary sanction imposed on a registered nurse's license by the commission.

(i) Substance abuse as defined in RCW 18.130.180 (6) and (23). Nursing professionals counseling impaired registered nurses for substance abuse are exempt from the reporting requirements except as provided in chapter 5.62 RCW.

(j) Any other cause for discipline as defined in RCW 18.130.170 and 18.130.180.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-730, filed 6/18/97, effective 7/19/97.]

WAC 246-840-745 Adjudicative proceedings. The commission adopts the model procedural rules for adjudicative proceedings as adopted by the department of health and contained in chapter 246-11 WAC, including subsequent amendments.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-745, filed 6/18/97, effective 7/19/97.]

WAC 246-840-747 Appearance and practice before agency—Standards of ethical conduct. All persons appearing in proceedings before the commission in a representative capacity shall conform to the standards of ethical conduct required of attorneys before the courts of Washington. If any such person does not conform to such standards, the commission may decline to permit such person to appear in a representative capacity in any proceeding before it.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-747, filed 6/18/97, effective 7/19/97.]

WAC 246-840-750 Philosophy governing voluntary substance abuse monitoring programs. The commission recognizes the need to establish a means of proactively providing early recognition and treatment options for licensed practical nurses or registered nurses whose competency may be impaired due to the abuse of drugs or alcohol. The commission intends that such nurses be treated and their treatment monitored so that they can return to or continue to practice their profession in a way which safeguards the public. To accomplish this the commission shall approve voluntary substance abuse monitoring programs and shall refer licensed practical nurses or registered nurses impaired by substance abuse to approved programs as an alternative to instituting disciplinary proceedings as defined in RCW 18.130.160.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-750, filed 6/18/97, effective 7/19/97.]

WAC 246-840-760 Terms used in WAC 246-840-750 through 246-840-780. (1) "Approved substance abuse monitoring program" or "approved monitoring program" is a program the commission has determined meets the requirements of the law and the criteria established by the commission in WAC 246-840-770 which enters into a contract with nurses who have substance abuse problems regarding the required components of the nurse's recovery activity and

oversees the nurse's compliance with these requirements. Substance abuse monitoring programs do not provide evaluation or treatment to participating nurses.

(2) "Contract" is a comprehensive, structured agreement between the recovering nurse and the approved monitoring program wherein the nurse consents to comply with the monitoring program and its required components of the nurse's recovery activity.

(3) "Approved treatment facility" is a facility approved by the bureau of alcohol and substance abuse, department of social and health services according to chapter 70.96A RCW or RCW 69.54.030 to provide concentrated alcoholism or drug treatment if located within Washington state. Drug and alcohol treatment programs located out-of-state must be equivalent to the standards required for approval under chapter 70.96A RCW or RCW 69.54.030.

(4) "Substance abuse" means the impairment, as determined by the commission, of a nurse's professional services by an addiction to, a dependency on, or the use of alcohol, legend drugs, or controlled substances.

(5) "Aftercare" is that period of time after intensive treatment that provides the nurse and the nurse's family with group or individual counseling sessions, discussions with other families, ongoing contact and participation in self-help groups and ongoing continued support of treatment program staff.

(6) "Nurse support group" is a group of nurses meeting regularly to support the recovery of its members. The group provides a confidential setting with a trained and experienced nurse facilitator in which nurses may safely discuss drug diversion, licensure issues, return to work and other professional issues related to recovery.

(7) "Twelve-step groups" are groups such as alcoholics anonymous, narcotics anonymous, and related organizations based on a philosophy of anonymity, belief in a power outside of oneself, peer group association, and self-help.

(8) "Random drug screens" are laboratory tests to detect the presence of drugs of abuse in body fluids which are performed at irregular intervals not known in advance by the person to be tested.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-760, filed 6/18/97, effective 7/19/97.]

WAC 246-840-770 Approval of substance abuse monitoring programs. The commission will approve the monitoring program(s) which will participate in the commission's substance abuse monitoring program. A monitoring program approved by the commission may be contracted with an entity outside the department but within the state, out-of-state, or a separate structure within the department.

(1) The approved monitoring program will not provide evaluation or treatment to the participating nurses.

(2) The approved monitoring program staff must have the qualifications and knowledge of both substance abuse and the practice of nursing as defined in this chapter to be able to evaluate:

(a) Clinical laboratories;

(b) Laboratory results;

(c) Providers of substance abuse treatment, both individuals and facilities;

- (d) Nurses' support groups;
- (e) The nursing work environment; and
- (f) The ability of the nurse to practice with reasonable skill and safety.

(3) The approved monitoring program will enter into a contract with the nurse and the commission to oversee the nurse's compliance with the requirements of the program.

(4) The approved monitoring program may make exceptions to individual components of the contract on an individual basis.

(5) The approved monitoring program staff will determine, on an individual basis, whether a nurse will be prohibited from engaging in the practice of nursing for a period of time and restrictions, if any, or the nurse's access to controlled substances in the work place.

(6) The approved monitoring program shall maintain records on participants.

(7) The approved monitoring program will be responsible for providing feedback to the nurse as to the acceptability of treatment progress.

(8) The approved monitoring program shall report to the commission any nurse who fails to comply with the requirements of the monitoring program.

(9) The approved monitoring program shall provide the commission with a statistical report on the program, including progress of participants, at least annually.

(10) The approved monitoring program shall receive from the commission guidelines on treatment, monitoring, and limitations on the practice of nursing for those participating in the program.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-770, filed 6/18/97, effective 7/19/97.]

WAC 246-840-780 Participants entering the approved substance abuse monitoring program must agree to the following conditions. (1)(a) The nurse shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation will be performed by health care professional(s) with expertise in chemical dependency. The person(s) performing the evaluation shall not also be the provider of the recommended treatment.

(b) The nurse shall enter into a contract with the commission and the approved substance abuse monitoring program to comply with the requirements of the program which shall include, but not be limited to:

(i) The nurse will undergo intensive substance abuse treatment in an approved treatment facility.

(ii) The nurse will agree to remain free of all mind-altering substances including alcohol except for medications prescribed by an authorized prescriber, as defined in RCW 69.41.030 and 69.50.101.

(iii) The nurse must complete the prescribed aftercare, which may include individual and/or group psychotherapy.

(iv) The nurse must cause the treatment counselor(s) to provide reports to the approved monitoring program at specified intervals. Reports shall include treatment prognosis and goals.

(v) The nurse will submit to random drug screening as specified by the approved monitoring program.

(vi) The nurse will attend nurses' support groups facilitated by a nurse and/or twelve-step group meetings as specified by the contract.

(vii) The nurse will comply with specified employment conditions and restrictions as defined by the contract.

(viii) The nurse shall sign a waiver allowing the approved monitoring program to release information to the commission if the nurse does not comply with the requirements of this contract.

(c) The nurse is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment, and random drug screens.

(d) The nurse may be subject to disciplinary action under RCW 18.130.160 if the nurse does not participate in the approved monitoring program, does not comply with specified employment restrictions, or does not successfully complete the program.

(2) A nurse who is not being investigated by the commission or subject to current disciplinary action or currently being monitored by the commission for substance abuse may voluntarily participate in the approved substance abuse monitoring program without being referred by the commission.

(a) The nurse shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation will be performed by health care professional(s) with expertise in chemical dependency. The person(s) performing the evaluation shall not also be the provider of the recommended treatment.

(b) The nurse shall enter into a contract with the approved substance abuse monitoring program to comply with the requirements of the program which shall include, but not be limited to:

(i) The nurse will undergo intensive substance abuse treatment in an approved treatment facility.

(ii) The nurse will agree to remain free of all mind-altering substances including alcohol except for medications prescribed by an authorized prescriber as defined in RCW 69.41.030 and 69.50.101.

(iii) The nurse must complete the prescribed aftercare program of the intensive treatment facility, which may include individual and/or group psychotherapy.

(iv) The nurse must cause the treatment counselor(s) to provide reports to the approved monitoring program at specified intervals. Reports shall include treatment prognosis and goals.

(v) The nurse will submit to random drug screening as specified by the approved monitoring program.

(vi) The nurse will attend nurses' support groups facilitated by a nurse and/or twelve-step group meetings as specified by the contract.

(vii) The nurse will comply with employment conditions and restrictions as defined by the contract.

(viii) The nurse shall sign a waiver allowing the approved monitoring program to release information to the commission if the nurse does not comply with the requirements of this contract.

(c) The nurse is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment and random drug screens.

(3) The treatment and pretreatment records of license holders referred to or voluntarily participating in approved monitoring programs shall be confidential, shall be exempt from RCW 42.17.250 through 42.17.450, and shall not be subject to discovery by subpoena or admissible as evidence except for monitoring records reported to the disciplinary authority for cause as defined in subsections (1) and (2) of this section. Records held by the commission under this section shall be exempt from RCW 42.17.250 through 42.17.450 and shall not be subject to discovery by subpoena except by the license holder.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-780, filed 6/18/97, effective 7/19/97.]

WAC 246-840-800 Scope of practice—Advisory opinions. (1) The commission may issue advisory opinions in response to questions put to it by professional health associations, nursing practitioners and consumers concerning the authority of various categories of nursing personnel to perform particular acts. Such questions must be presented in writing to the department staff.

(2) Questions may be referred to a committee of the commission. Upon such referral, the committee shall develop a draft response which shall be presented to the full commission at a public meeting for ratification, rejection or modification. The committee may, at its discretion, consult with health care practitioners for assistance in developing its draft response.

(3) If the commission issues an opinion on a given issue, such opinion shall be provided to the requesting party and shall be included in the commission minutes.

(4) Each opinion issued shall include a clear statement to the effect that:

(a) The opinion is advisory and intended for the guidance of the requesting party only; and

(b) The opinion is not legally binding and does not have the force and effect of a duly promulgated regulation or a declaratory ruling by the commission.

(5) In no event shall this section be construed to supersede the authority of the commission to adopt rules related to the scope of practice nor shall it be construed to restrict the ability of any person to propose a rule or to seek a declaratory judgment from the commission.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-800, filed 6/18/97, effective 7/19/97.]

WAC 246-840-810 Provision for continuity of drug therapy for residents. When a resident of a long-term care facility has the opportunity for an unscheduled therapeutic leave that would be precluded by the lack of an available pharmacist to dispense drugs prescribed by an authorized practitioner, a registered nurse designated by the facility and its consultant or staff pharmacist and who agrees to such designation, may provide the resident or a responsible person with up to a seventy-two-hour supply of a prescribed drug or drugs for use during that leave from the resident's previously dispensed package of such drugs. The drugs shall only be provided in accordance with protocols developed by the pharmaceutical services committee and shall be available for inspection. These protocols shall include the following:

(1) Criteria as to what constitutes an unscheduled therapeutic leave requiring the provision of drugs by the registered nurse;

(2) Procedures for repackaging and labeling the limited supply of previously dispensed drugs by the designated registered nurse that comply with all state and federal laws concerning the packaging and labeling of drugs;

(3) Provision to assure that none of the medication provided to the resident or responsible person may be returned to the resident's previously dispensed package of such drug or to the facility's stock.

(4) Assurance that the RN informs the resident or responsible person of:

(a) The name, strength and quantity of drug provided;

(b) The proper administration of the drug;

(c) Potential adverse responses to the drug; and

(d) What actions to take should adverse responses occur.

(5) Provision for documenting by the RN in the resident's health record:

(a) Date and time of unscheduled leave;

(b) Name, strength and quantity of drug provided;

(c) Name of person to whom the drug was given and by whom it was given; and

(d) Confirmation that information described in subsection (2) of this section was provided.

See WAC 246-865-070 for related regulations regarding this practice.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-810, filed 6/18/97, effective 7/19/97.]

WAC 246-840-820 Provision for clean, intermittent catheterization in schools. Public school districts and private schools that offer classes for any of the grades kindergarten through twelve may provide for clean, intermittent catheterization of students or assisted self-catheterization of students who are in the custody of the school district at the time in accordance with the following rules:

(1) The student's file shall contain a written request from the parent(s) or guardian for the clean, intermittent catheterization of the student.

(2) The student's file shall contain written permission from the parent(s) or guardian for the performance of the clean, intermittent catheterization procedure by the nonlicensed school employee.

(3) The student's file shall contain a current written order for clean, intermittent catheterization from the student's physician and shall include written instructions for the procedure. The order shall be reviewed and/or revised each school year.

(4) The student's file shall contain written, current, and unexpired instructions from a registered nurse licensed under chapter 18.79 RCW regarding catheterization which include:

(a) A designation of the school district or private school employee or employees who may provide for the catheterization; and

(b) A description of the nature and extent of any required supervision.

(5) The service shall be offered to all handicapped students and may be offered to the nonhandicapped students, at the discretion of the school board.

(6) The registered nurse shall develop instructions specific to the needs of the student. These shall be made available to the nonlicensed school employee and shall be updated each school year.

(7) The supervision of the self-catheterizing student shall be based on the needs of the student and the skill of the nonlicensed school employee.

(8) The registered nurse, designated by the school board, shall be responsible for the training of the nonlicensed school employees who are assigned to perform clean, intermittent catheterization of the students.

(9) The training of the nonlicensed school employee shall include but not be limited to:

(a) An initial in-service training, length determined by the registered nurse.

(b) An update of the instructions and a review of the procedure each school year.

(c) Anatomy, physiology, and pathophysiology of the urinary system including common anomalies for the appropriate age group served.

(d) Techniques common to the urinary catheterization procedure.

(e) Identification and care of the required equipment.

(f) Common signs and symptoms of infection and recommended procedures to prevent the development of infections.

(g) Identification of the psychosocial needs of the parent/guardian and the students with emphasis on the needs for privacy and confidentiality.

(h) Documentation requirements.

(i) Communication skills including the requirements for reporting to the registered nurse or the physician.

(j) Medications commonly prescribed for the clean, intermittent catheterization patient and their side effects.

(k) Contraindications for clean, intermittent catheterization and the procedure to be followed if the nonlicensed school employee is unable to catheterize the student.

(l) Training in catheterization specific to the student's needs.

(m) Developmental growth patterns of the appropriate age group served.

(n) Utilization of a teaching model to demonstrate catheterization techniques with return demonstration performed by the nonlicensed school employee, if a model is available.

(10) The training of the nonlicensed school employee shall be documented in the employee's permanent file.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-820, filed 6/18/97, effective 7/19/97.]

WAC 246-840-830 Determination and pronouncement of death by a licensed registered nurse. A registered nurse may determine and pronounce death, but shall not certify death as defined in RCW 70.58.160 unless the registered nurse is an ARNP-certified nurse midwife as defined in WAC 246-840-300.

(1) A registered nurse may assume responsibility for the determination and pronouncement of death only if there are written policies and procedures relating to the determination and pronouncement of death in the organization with which

the registered nurse is associated as an employee or by contract, provided:

(a) The decedent was under the care of a health care practitioner qualified to certify cause of death; and

(b) The decedent was a patient of the organization with which the registered nurse is associated; and

(c) There is a "do not resuscitate order" in the patient's record when the decedent was assisted by mechanical life support systems at the time of determination and pronouncement of death.

(2) A registered nurse who assumes responsibility for the determination and pronouncement of death shall be knowledgeable of the laws and regulations regarding death and human remains which affect the registered nurse's practice of this responsibility.

(3) A registered nurse who assumes responsibility for the determination and pronouncement of death shall:

(a) Perform a physical assessment of the patient's condition;

(b) Insure that family and physician and other caregivers are notified of the death; and

(c) Document the findings of the assessment and notification in all appropriate records.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-830, filed 6/18/97, effective 7/19/97.]

WAC 246-840-840 Nursing technician. The purpose of the role of nursing technician is to provide opportunity for students enrolled in an ADN or BSN program to gain work experience within the limits of their education, but not limited to the scope of functions of nursing assistant - certified.

(1) The nursing technician is as defined in WAC 246-840-010(19).

(2) The nursing technician shall have knowledge and understanding of the laws and rules regulating the nursing technician and shall function within the legal scope of nursing practice.

(3) The nursing technician shall be responsible and accountable for practicing within the scope and guidelines of policies defined by the employing agency.

(4) The nursing technician shall not be employed by a temporary agency.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-840, filed 6/18/97, effective 7/19/97.]

WAC 246-840-850 Use of nomenclature. (1) Any person who meets the qualifications under WAC 246-840-010(19) and 246-840-860 shall use the title nursing technician and this title shall not be abbreviated.

(2) No other person shall assume such title.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-850, filed 6/18/97, effective 7/19/97.]

WAC 246-840-860 Nursing technician criteria. To be eligible for employment as a nursing technician a student must meet the following criteria:

(1) Satisfactory completion of at least one academic term (quarter or semester) of a nursing program approved by a commission or board of nursing (ADN, diploma, or BSN). The term must have included a clinical component.

(2) Currently enrolled in a nursing commission approved program will be considered to include:

(a) All periods of regularly planned educational programs and all school scheduled vacations and holidays.

(b) The period of time of notification to the commission of completion of nursing education, following graduation and application for examination, not to exceed ninety days from the date of graduation.

(c) Current enrollment will not be construed to include:

(i) Leaves of absence or withdrawal, temporary or permanent, from the nursing educational program.

(ii) Students enrolled in nursing department classes who are solely enrolled in academic nonnursing supporting course work, whether or not those courses are required for the nursing degree.

(iii) Students who are awaiting the opportunity to reenroll in nursing courses.

[Statutory Authority: RCW 18.79.160. 97-17-049, § 246-840-860, filed 8/15/97, effective 9/15/97.]

WAC 246-840-870 Functions of the nursing technician. The nursing technician:

(1) Shall function only under the supervision of the registered nurse.

(2) May gather information about patients and administer care to patients.

(3) Shall not be responsible for performing the ongoing assessment, planning, implementation, and evaluation of the care of patients.

(4) Shall never function as an independent practitioner, as a team leader, charge nurse, or in a supervisory capacity.

(5) May administer medications only under the direct supervision of a registered nurse and within the limits described in this section. "Direct supervision" means that the registered nurse is on the premises, is quickly and easily available, and that the patients have been assessed by the registered nurse prior to the delegation of the medication duties to the nursing technician. The nursing technician shall not administer chemotherapy, blood or blood products, intravenous medications, scheduled drugs, nor carry out procedures on central lines.

There shall be written documentation from the nursing education program attesting to the nursing technician's preparation in the procedures of medication administration.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-870, filed 6/18/97, effective 7/19/97.]

WAC 246-840-880 Functions of the registered nurse supervising the nursing technician. The registered nurse:

(1) Is accountable at all times for the client's safety and well-being.

(2) Is responsible at all times for the nursing process as delineated in WAC 246-840-700 and this responsibility cannot be delegated.

(3) Shall maintain at all times an awareness of the care activities of the nursing technician and of the current assessment of the patient.

(4) Shall be available at all times to the nursing technician and shall be physically present within the health care facility.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-880, filed 6/18/97, effective 7/19/97.]

WAC 246-840-890 Responsibilities of the employing facility. The employer of the nursing technician shall:

(1) Verify the nursing technician's enrollment in a nursing education program approved by the state board of nursing or commission in the state in which the program is located.

(2) Verify satisfactory completion of each academic term (semester or quarter) within two weeks of completion date.

(3) Obtain written documentation from the approved nursing education program of the nursing technician's current level of education preparation and his/her knowledge and skills.

(4) Assign the nursing technician to perform only to the level identified in subsection (3) of this section.

(5) Provide the nursing technician from an educational program approved by a state board of nursing or commission other than the Washington nursing commission with board authorized information on the legal definition and parameters of the nursing technician role, as in WAC 246-840-010(19) and 246-840-840 through 246-840-870. Such information shall be provided prior to the commencement of patient care activities by the nursing technician. The facility shall obtain written verification from the nursing technician of receipt and review of this information and the facility shall retain the written verification for a minimum of three years from the last date of employment.

(6) Advise the commission of the names and addresses of the nursing technician and the name and address of the nursing education program for any and all nursing technicians employed at the facility.

(7) Identify the student nurse as a "nursing technician."

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-890, filed 6/18/97, effective 7/19/97.]

WAC 246-840-900 Responsibilities of the nurse administrator. The nursing administrator or designee shall:

(1) Ensure that the nursing technician has been thoroughly oriented to the facility.

(2) Ensure that WAC 246-840-890 (3), (4), (5), (6), and (7) are accomplished prior to patient care assignments.

(3) Observe, evaluate, and document the skill level of the nursing technician in the administration of oral, intermuscular, and subcutaneous medication and nursing care skills.

(4) Convey in writing to all facility departments the scope within which the nursing technician may practice.

(5) Provide the supervising licensed registered nurse a written job description for the nursing technician.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-900, filed 6/18/97, effective 7/19/97.]

WAC 246-840-930 Criteria for delegation. Before delegating a nursing task, the licensed registered nurse must determine that it is appropriate to delegate based on the following criteria:

(1) Determine that the setting allows delegation because it is a certified community residential program for the developmentally disabled, a licensed adult family home, or

a licensed boarding home contracted to provide assisted living services.

(2) Determine that the task to be delegated is within the nurse's area of responsibility and that it is a specific care task that has been approved for delegation.

(3) Determine that the task to be delegated can be properly and safely performed by the nursing assistant-certified or nursing assistant-registered. The registered nurse shall assess the potential risk of harm for the individual patient. Potential harm may include, but is not limited to, infection, hemorrhage, hypoxemia, nerve damage, physical injury, or psychological distress.

(4) Assess the patient's nursing care needs and determine that the patient is in a stable and predictable condition.

(5) Analyze the complexity of the nursing task and determine the required training or additional training needed by the nursing assistant to competently accomplish the task. The registered nurse shall consider the psychomotor and cognitive skills required to perform the nursing task. More complex tasks may require additional training and supervision for the nursing assistant. The nurse must identify and facilitate any additional training of the nursing assistant that is needed prior to delegation. The nurse must ensure that the task to be delegated can be properly and safely performed by the nursing assistant.

(6) Assess the level of interaction required, considering language or cultural diversity that may affect communication or the ability to accomplish the task to be delegated, as well as methods to facilitate the interaction.

(7) Verify that the nursing assistant:

(a) Is currently registered or certified as a nursing assistant in Washington state and is in good standing without restriction;

(b) Has a certificate of completion issued by the department of social and health services indicating completion of core delegation training for nursing assistants; and

(c) Is willing to perform the task in the absence of direct or immediate nurse supervision and accept responsibility for their actions.

(8) Assess the ability of the nursing assistant to competently perform the delegated nursing task in the absence of direct or immediate nurse supervision to ensure that the nursing task can be properly and safely performed by the nursing assistant.

(9) Discuss the delegation with the patient or authorized representative, including the level of training of the nursing assistant delivering care. The patient, or authorized representative, must give written, informed consent to the delegation under chapter 7.70 RCW.

(10) Document in the patient's record the rationale for delegating or not delegating nursing tasks.

(11) Discuss the process for continuing, rescinding, or adding medications to the delegation list when the health care provider changes medication orders:

(a) The registered nurse must verify the change in medication or a new medication order with the health care provider;

(b) If a change is made in the medication dosage or if a change is made in the type of medication for the same problem (i.e., one medication is deleted by the health care provider and another is substituted) and the patient remains

in a stable and predictable condition, delegation can continue at the registered nurse's discretion; and

(c) If a new medication is added, the registered nurse must review the criteria and process for delegation prior to delegating the administration of the new medication to the nursing assistant. The registered nurse maintains the authority to decide if the new medication can be added to the delegated task list immediately, if a site visit is warranted prior to delegation, or if delegation is no longer appropriate. If delegation is to be rescinded, the nurse must initiate and participate in developing an alternative plan to assure the needs of the patient are met.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-930, filed 6/18/97, effective 7/19/97; 96-05-060, § 246-840-930, filed 2/19/96, effective 3/21/96.]

WAC 246-840-940 Process for delegation. If the registered nurse determines delegation is appropriate, the nurse must:

(1) Obtain the written informed consent of the patient or authorized representative under chapter 7.70 RCW, the delegating nurse, and the nursing assistant.

(2) Delegation requires the nurse teach the nursing assistant how to perform the task, including return demonstration under observation. The nurse shall observe the nursing assistant performing the delegated task to verify their competency to properly perform the task safely and accurately.

(3) Provide specific, written delegation instructions to the nursing assistant with a copy maintained in the patient's record that include:

(a) The rationale for delegating the nursing task;

(b) That the delegated nursing task is specific to one patient and is not transferable to another patient;

(c) That the delegated nursing task is specific to one nursing assistant and is not transferable to another nursing assistant;

(d) The nature of the condition requiring treatment and purpose of the delegated nursing task;

(e) A clear description of the procedure or steps to follow to perform the task;

(f) The predictable outcomes of the nursing task and how to effectively deal with them;

(g) The risks of the treatment;

(h) The interactions of prescribed medications;

(i) How to observe and report side effects, complications, or unexpected outcomes and appropriate actions to deal with them, including specific parameters for notifying the delegating registered nurse, health care provider, or emergency services;

(j) The action to take in situations where medications are altered by health care provider orders, including:

(i) How to notify the registered nurse of the change;

(ii) The process the registered nurse will use to obtain verification from the health care provider of the medication change; and

(iii) The process to notify the nursing assistant of whether administration of the medication is delegated or not;

(k) How to document the task in the patient's record;

(l) Document what teaching was done and that a return demonstration was correctly done; and

(m) A plan of nursing supervision describing how frequently the registered nurse will supervise the performance of the delegated task by the nursing assistant and reevaluate the delegated nursing task. Supervision shall occur at least every sixty days.

(4) The administration of PRN medications may be delegated at the discretion of the registered nurse. The nurse must first assess the patient to determine that on-site patient assessment will not be required prior to the ongoing administration of each PRN medication dose. The registered nurse must provide written parameters specific to an individual patient which includes guidelines for the nursing assistant to follow in the decision-making process to administer the PRN medication and the procedure to follow for such administration.

[Statutory Authority: Chapter 18.79 RCW. 97-13-100, § 246-840-940, filed 6/18/97, effective 7/19/97; 96-05-060, § 246-840-940, filed 2/19/96, effective 3/21/96.]

WAC 246-840-990 Fees. The following fees shall be charged by the health professions quality assurance division of the department of health. Persons who hold an RN and an LPN license shall be charged separate fees for each license. Persons who are licensed as an advanced registered nurse practitioner in more than one specialty shall be charged a fee for each specialty:

RN/LPN fees:

Title of Fee	Fee
Application (initial or endorsement)	\$65.00
License renewal	50.00
Late renewal penalty	50.00
Inactive renewal	20.00
Inactive late renewal penalty	10.00
Duplicate license	20.00
Verification of licensure/education (written)	25.00

Advanced registered nurse fees:

Title of Fee	Fee
ARNP application with or without prescriptive authority (per specialty)	\$65.00
ARNP renewal with or without prescriptive authority (per specialty)	50.00
ARNP late renewal penalty (per specialty)	50.00
ARNP duplicate license (per specialty)	20.00
ARNP written verification of license (per specialty)	25.00

[Statutory Authority: Chapter 18.79 RCW. 97-23-075, § 246-840-990, filed 11/19/97, effective 1/12/98. Statutory Authority: RCW 18.79.200. 95-12-021, § 246-840-990, filed 5/31/95, effective 7/1/95.]

**Chapter 246-841 WAC
NURSING ASSISTANTS**

WAC

246-841-710	Repealed.
246-841-730	Repealed.
246-841-740	Repealed.
246-841-750	Repealed.

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

246-841-710	General provisions. [Statutory Authority: RCW 18.88A.050, 18.130.050 and 18.130.080. 92-02-018 (Order 224), § 246-841-710, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-841-710, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-173-010, filed 6/30/89.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040. Courts. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-841-730, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-173-070, filed 6/30/89.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
246-841-730	State and federal agencies. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-841-740, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-173-080, filed 6/30/89.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
246-841-740	Cooperation with investigation. [Statutory Authority: RCW 18.88A.050, 18.130.050 and 18.130.080. 92-02-018 (Order 224), § 246-841-750, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-841-750, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-173-090, filed 6/30/89.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
246-841-750	

WAC 246-841-710 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-841-730 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-841-740 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-841-750 Repealed. See Disposition Table at beginning of this chapter.

**Chapter 246-843 WAC
NURSING HOME ADMINISTRATORS**

WAC

246-843-158	Repealed.
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**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

246-843-158	Responsibility for maintaining mailing address on file with the board. [Statutory Authority: RCW 18.52.061. 93-23-034, § 246-843-158, filed 11/10/93, effective 12/11/93.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
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WAC 246-843-158 Repealed. See Disposition Table at beginning of this chapter.

**Chapter 246-851 WAC
OPTOMETRISTS**

WAC

246-851-090	Continuing education requirement.
246-851-100	Credit hour defined.
246-851-110	Courses presumed to qualify for credit.
246-851-120	Approval of courses.
246-851-140	Continuing education credit for admission to optometric organizations and participation in patient care reviews.
246-851-150	Credit for individual research, publications, and small group study.
246-851-160	Credit for reports.
246-851-170	Credit for preprogrammed educational materials.
246-851-180	Credit for lecturing.
246-851-190	Credit for CPR training.
246-851-200	Dual acceptance of continuing education credits.
246-851-210	Repealed.
246-851-220	Surplus credit hours.
246-851-230	Credits for practice management.
246-851-240	Discretionary exception for emergency situation.

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

246-851-210	Certification for continuing education courses. [Statutory Authority: RCW 18.54.070. 91-22-061 (Order 210B), § 246-851-210, filed 11/1/91, effective 12/2/91; 91-06-025 (Order 119B), recodified as § 246-851-210, filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070(2). 89-10-030 (Order PM 839), § 308-53-165, filed 4/27/89. Statutory Authority: RCW 18.54.070(5) and 18.54.075. 85-16-054 (Order PL 545), § 308-53-165, filed 7/31/85. Statutory Authority: RCW 18.54.070(5). 80-01-088 (Order PL 326), § 308-53-165, filed 12/28/79.] Repealed by 97-12-088, filed 6/4/97, effective 7/5/97. Statutory Authority: RCW 18.54.070(2).
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WAC 246-851-090 Continuing education requirement. (1) All optometrists licensed in Washington shall complete fifty hours of continuing education every two-years beginning at the first license renewal following initial licensure, except:

In lieu of this requirement, licensees practicing solely outside of Washington may meet the continuing education requirements of the state or territory in which they practice.

(2) Every two years, as part of the license renewal process, a licensee must certify that he or she have met the continuing education requirements and have documentation that will be furnished upon request.

(3) Licensees must maintain documentation of continuing education activities.

(4) When requested by the board, a licensee must submit documentation of completion of continuing education activities.

[Statutory Authority: RCW 18.54.070(2). 97-12-088, § 246-851-090, filed 6/4/97, effective 7/5/97. Statutory Authority: RCW 18.54.070. 92-06-030 (Order 248B), § 246-851-090, filed 2/26/92, effective 3/28/92; 91-06-025 (Order 119B), recodified as § 246-851-090, filed 2/26/91, effective 3/29/91; 88-07-047 (Order PM 710), § 308-53-100, filed 3/11/88. Statutory Authority: RCW 18.54.070(5). 80-01-088 (Order PL 326), § 308-53-100, filed 12/28/79; Order PL 239, § 308-53-100, filed 3/3/76.]

WAC 246-851-100 Credit hour defined. A credit hour is defined as one hour actually spent in a course or other activity approved by the board as fulfilling continuing education requirements.

[Statutory Authority: RCW 18.54.070(2). 97-12-088, § 246-851-100, filed 6/4/97, effective 7/5/97. Statutory Authority: RCW 18.54.070. 91-06-025 (Order 119B), recodified as § 246-851-100, filed 2/26/91, effective 3/29/91; Order PL 239, § 308-53-110, filed 3/3/76.]

WAC 246-851-110 Courses presumed to qualify for credit. Courses offered by the following organizations are presumed to qualify as continuing education courses without specific prior approval of the board. However, the board reserves the right to not accept credits if the board determines that a course did not provide appropriate information or training.

- (1) The American Optometric Association.
- (2) Any college or school of optometry whose scholastic standards are deemed sufficient by the board under RCW 18.53.060(2).
- (3) The Washington Association of Optometric Physicians.
- (4) Any state optometric association which is recognized by the licensing authority of its state as a qualified professional association or educational organization.
- (5) The state optometry board.
- (6) The optometry licensing authority of any other state.
- (7) The American Academy of Optometry.
- (8) The Optometric Extension Program.
- (9) The College of Optometrists in Vision Development.
- (10) The National Eye Research Foundation.
- (11) Regional congresses of any of the organizations listed in subsections (1) through (10) of this section.
- (12) The Council on Post-Graduate Education of the American Optometric Association.
- (13) The Council on Optometric Practitioner Education (C.O.P.E.).

[Statutory Authority: RCW 18.54.070(2). 97-12-088, § 246-851-110, filed 6/4/97, effective 7/5/97. Statutory Authority: RCW 18.54.070. 94-04-041, § 246-851-110, filed 1/27/94, effective 2/27/94; 93-18-092 (Order 393B), § 246-851-110, filed 9/1/93, effective 10/2/93; 91-06-025 (Order 119B), recodified as § 246-851-110, filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070(2). 89-10-030 (Order PM 839), § 308-53-120, filed 4/27/89. Statutory Authority: RCW 18.54.070. 88-07-047 (Order PM 710), § 308-53-120, filed 3/11/88. Statutory Authority: RCW 18.54.070(5). 84-09-082 (Order PL 465), § 308-53-120, filed 4/18/84; Order PL 239, § 308-53-120, filed 3/3/76.]

WAC 246-851-120 Approval of courses. (1) The board will individually consider requests for approval of continuing education courses. The board will consider the following course components:

- (a) Whether the course contributes to the advancement and enhancement of skills in the practice of optometry.
- (b) Whether the course is taught in a manner appropriate to the subject matter.
- (c) Whether the instructor has the necessary qualifications, training and/or experience to present the course.
- (2) Courses related to a single product or device will not normally be granted credit.
- (3) Requests must be submitted at least sixty days prior to the date of the course and must include at least:
 - (a) Name of the course being offered.
 - (b) Location and date of course.
 - (c) Course outline.
 - (d) Format of activity (e.g., lecture, videotape, clinical participation, individual study).

- (e) Total number of hours of continuing education being offered.
- (f) Name and qualifications of the instructor or speaker.

[Statutory Authority: RCW 18.54.070(2). 97-12-088, § 246-851-120, filed 6/4/97, effective 7/5/97. Statutory Authority: RCW 18.54.070. 91-22-061 (Order 210B), § 246-851-120, filed 11/1/91, effective 12/2/91; 91-06-025 (Order 119B), recodified as § 246-851-120, filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070(2). 89-10-030 (Order PM 839), § 308-53-123, filed 4/27/89.]

WAC 246-851-140 Continuing education credit for admission to optometric organizations and participation in patient care reviews. (1) Credit may be granted for preparation and admission to optometric scientific groups (for example, the Academy of Optometry).

(2) Credit may be granted for participation in a local, county, state or federal professional standard review or planning organization relating to health care agencies or institutions.

(3) Requests for credit must be submitted to the board at least sixty days prior to the end of the reporting period.

(4) No more than five credit hours will be granted under this section for any licensee in any two-year reporting period.

[Statutory Authority: RCW 18.54.070(2). 97-12-088, § 246-851-140, filed 6/4/97, effective 7/5/97. Statutory Authority: RCW 18.54.070. 91-06-025 (Order 119B), recodified as § 246-851-140, filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070(2). 89-10-030 (Order PM 839), § 308-53-135, filed 4/27/89. Statutory Authority: RCW 18.54.070(5). 80-01-088 (Order PL 326), § 308-53-135, filed 12/28/79.]

WAC 246-851-150 Credit for individual research, publications, and small group study. (1) Subject to approval by the board, continuing education credit may be granted for:

- (a) Participation in formal reviews and evaluations of patient care such as peer review and case conferences;
- (b) Participation in small group study or individual research;
- (c) Scholarly papers and articles whether or not the articles or papers are published.

Requests for credit for papers or articles should include a copy of the article, date of acceptance or publication, and the number of hours requested.

(2) Requests for credit must be submitted to the board at least sixty days prior to the end of the reporting period.

(3) No more than ten credit hours will be granted under this section to any licensee in any two-year reporting period.

[Statutory Authority: RCW 18.54.070(2). 97-12-088, § 246-851-150, filed 6/4/97, effective 7/5/97. Statutory Authority: RCW 18.54.070. 91-06-025 (Order 119B), recodified as § 246-851-150, filed 2/26/91, effective 3/29/91; Order PL 239, § 308-53-140, filed 3/3/76.]

WAC 246-851-160 Credit for reports. (1) Continuing education credit will be granted for reports on professional optometric literature. Requests for credit must be submitted at least sixty days prior to the end of the reporting period. The request should include a copy of the article, including publication source, date and author. The report should be typewritten and include at least ten descriptive statements from the article.

(2) Professional literature approved for such reports are:

- (a) American Journal of Optometry and Physiological Optics;
- (b) American Optometric Association News;
- (c) Contact Lens Forum;
- (d) Contacto;
- (e) Insight;
- (f) International Contact Lens Clinic;
- (g) Journal of American Optometric Association;
- (h) Journal on Optometric Education;
- (i) Journal of Optometric Vision Development;
- (j) OEP Monthly;
- (k) Optometric Management;
- (l) Optometric Monthly;
- (m) Optometric World;
- (n) Review of Optometry;
- (o) 20/20 Magazine; and
- (p) Other literature as approved by the board.
- (3) Each report qualifies for one credit hour. No more than ten credit hours will be granted under this section to any licensee in any two-year reporting period.

[Statutory Authority: RCW 18.54.070(2). 97-12-088, § 246-851-160, filed 6/4/97, effective 7/5/97. Statutory Authority: RCW 18.54.070. 91-22-061 (Order 210B), § 246-851-160, filed 11/1/91, effective 12/2/91; 91-06-025 (Order 119B), recodified as § 246-851-160, filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070(2). 89-10-030 (Order PM 839), § 308-53-145, filed 4/27/89. Statutory Authority: RCW 18.54.070. 88-07-047 (Order PM 710), § 308-53-145, filed 3/11/88. Statutory Authority: RCW 18.54.070(5). 80-04-054 (Order PL 331), § 308-53-145, filed 3/21/80.]

WAC 246-851-170 Credit for preprogrammed educational materials. Subject to approval by the board, continuing education credit may be granted for viewing and participation in the use of formal preprogrammed optometric educational materials. Preprogrammed educational materials include, but are not limited to:

(1) Correspondence courses taken through magazines or other publications, cassettes, videodiscs, videotapes, teaching machines, computer software, CD-ROM, diskettes or internet, other than those that qualify under subsection (2) of this section. No more than ten credit hours will be granted under this subsection to any licensee in any two-year reporting period. Requests for credit must be submitted to the board at least sixty days prior to the end of the reporting period and should include the title, date issued or released, author or source and the length of time spent viewing, listening or responding to the material.

(2) Cassettes, videodiscs, videotapes, teaching machines, computer software, CD-ROM, diskettes or internet, which are offered by a board-approved school or college of optometry or other entity or organization approved by the board for credit under this section and require successful completion of an examination for certification of completion. No more than twenty-five credit hours will be granted under this subsection to any licensee in any two-year reporting period.

[Statutory Authority: RCW 18.54.070(2). 97-12-088, § 246-851-170, filed 6/4/97, effective 7/5/97. Statutory Authority: RCW 18.54.070. 91-22-061 (Order 210B), § 246-851-170, filed 11/1/91, effective 12/2/91; 91-06-025 (Order 119B), recodified as § 246-851-170, filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070(2). 89-10-030 (Order PM 839), § 308-53-146, filed 4/27/89. Statutory Authority: RCW 18.54.070(5). 80-04-054 (Order PL 331), § 308-53-146, filed 3/21/80.]

WAC 246-851-180 Credit for lecturing. Subject to approval by the board, continuing education credit may be given for the preparation and presentation of courses and lectures in optometric education. Three hours of credit will be granted for each course hour. Requests for credit must be submitted to the board at least sixty days prior to the end of the reporting period. Credit for subsequent presentations will be considered if the applicant can demonstrate that substantial additional preparation was required. No more than ten hours will be granted under this section for any licensee in any two-year reporting period.

[Statutory Authority: RCW 18.54.070(2). 97-12-088, § 246-851-180, filed 6/4/97, effective 7/5/97. Statutory Authority: RCW 18.54.070. 91-22-061 (Order 210B), § 246-851-180, filed 11/1/91, effective 12/2/91; 91-06-025 (Order 119B), recodified as § 246-851-180, filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070(2). 89-10-030 (Order PM 839), § 308-53-150, filed 4/27/89; Order PL 239, § 308-53-150, filed 3/3/76.]

WAC 246-851-190 Credit for CPR training. Continuing education credit will be granted for certified training in cardio-pulmonary resuscitation (CPR). No more than ten credit hours will be granted under this section to any licensee in any two-year reporting period.

[Statutory Authority: RCW 18.54.070(2). 97-12-088, § 246-851-190, filed 6/4/97, effective 7/5/97. Statutory Authority: RCW 18.54.070. 91-06-025 (Order 119B), recodified as § 246-851-190, filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070(2). 89-10-030 (Order PM 839), § 308-53-151, filed 4/27/89. Statutory Authority: RCW 18.54.070(5). 82-12-077 (Order PL 399), § 308-53-151, filed 6/2/82.]

WAC 246-851-200 Dual acceptance of continuing education credits. A course will not be denied approval solely because it has been used to satisfy the continuing education requirement of other states in which the licensee holds a license to practice optometry.

[Statutory Authority: RCW 18.54.070(2). 97-12-088, § 246-851-200, filed 6/4/97, effective 7/5/97. Statutory Authority: RCW 18.54.070. 91-06-025 (Order 119B), recodified as § 246-851-200, filed 2/26/91, effective 3/29/91; Order PL 256, § 308-53-155, filed 9/13/76.]

WAC 246-851-210 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-851-220 Surplus credit hours. Excess continuing education credits may not be carried forward to a subsequent reporting period.

[Statutory Authority: RCW 18.54.070(2). 97-12-088, § 246-851-220, filed 6/4/97, effective 7/5/97. Statutory Authority: RCW 18.54.070. 91-06-025 (Order 119B), recodified as § 246-851-220, filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070(2). 89-10-030 (Order PM 839), § 308-53-170, filed 4/27/89. Statutory Authority: RCW 18.54.070. 88-07-047 (Order PM 710), § 308-53-170, filed 3/11/88; Order PL 239, § 308-53-170, filed 3/3/76.]

WAC 246-851-230 Credits for practice management. Continuing education credit will be granted for courses or materials involving practice management under WAC 246-851-110 through 246-851-180. No more than ten credit hours will be granted under this section to any licensee in any two-year reporting period.

[Statutory Authority: RCW 18.54.070(2). 97-12-088, § 246-851-230, filed 6/4/97, effective 7/5/97. Statutory Authority: RCW 18.54.070. 91-22-061 (Order 210B), § 246-851-230, filed 11/1/91, effective 12/2/91; 91-06-025

(Order 119B), recodified as § 246-851-230, filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070(2). 89-10-030 (Order PM 839), § 308-53-175, filed 4/27/89.]

WAC 246-851-240 Discretionary exception for emergency situation. In emergency situations, or personal or family sickness, the board may waive all or part of the continuing education requirement for a two-year reporting period. The board may require additional information to determine if a waiver should be granted.

[Statutory Authority: RCW 18.54.070(2). 97-12-088, § 246-851-240, filed 6/4/97, effective 7/5/97. Statutory Authority: RCW 18.54.070. 91-06-025 (Order 119B), recodified as § 246-851-240, filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070(2). 89-10-030 (Order PM 839), § 308-53-180, filed 4/27/89; Order PL 239, § 308-53-180, filed 3/3/76.]

Chapter 246-861 WAC

PHARMACISTS—PROFESSIONAL PHARMACEUTICAL EDUCATION

WAC

246-861-030 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-861-030 Continuing education programs. [Statutory Authority: RCW 18.64.005. 92-03-029 (Order 234B), § 246-861-030, filed 1/8/92, effective 2/8/92. Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. 91-18-057 (Order 191B), recodified as § 246-861-030, filed 8/30/91, effective 9/30/91; Order 116, § 360-11-020, filed 11/9/73.] Repealed by 97-20-164, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 18.64.005.

WAC 246-861-030 Repealed. See Disposition Table at beginning of this chapter.

Chapter 246-869 WAC

PHARMACY LICENSING

WAC

246-869-260 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-869-260 Pharmacist supervised sales—General. [Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. 91-18-057 (Order 191B), recodified as § 246-869-260, filed 8/30/91, effective 9/30/91; Regulation 15, filed 3/23/60.] Repealed by 97-20-165, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 18.64.005.

WAC 246-869-260 Repealed. See Disposition Table at beginning of this chapter.

Chapter 246-877 WAC

PHARMACEUTICAL—SALES PROHIBITED

WAC

246-877-030 Repealed.

DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

246-877-030 Unsealed hard gelatin capsule restrictions. [Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. 91-18-057 (Order 191B), recodified as § 246-877-030, filed 8/30/91, effective 9/30/91. Statutory Authority: RCW 18.64.005(11). 86-21-033 (Order 202), § 360-20-210, filed 10/9/86.] Repealed by 97-20-166, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 18.64.005.

WAC 246-877-030 Repealed. See Disposition Table at beginning of this chapter.

Chapter 246-887 WAC

PHARMACY—REGULATIONS IMPLEMENTING
THE UNIFORM CONTROLLED SUBSTANCES ACT

WAC

246-887-140 Schedule II.

WAC 246-887-140 Schedule II. The board finds that the following substances have a high potential for abuse and have currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions and that the abuse of the following substances may lead to severe psychic or psychological dependence. The board, therefore, places each of the following substances in Schedule II.

(a) The drugs and other substances listed in this section, by whatever official name, common or usual name, chemical name, or brand name designated, are included in Schedule II.

(b) Substances. (Vegetable origin or chemical synthesis.) Unless specifically excepted, any of the following substances, except those listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, dextrorphan, nalbuphine, naloxone, and naltrexone, and their respective salts, but including the following:

- (i) Raw opium;
- (ii) Opium extracts;
- (iii) Opium fluid;
- (iv) Powdered opium;
- (v) Granulated opium;
- (vi) Tincture of opium;
- (vii) Codeine;
- (viii) Ethylmorphine;
- (ix) Etorphine hydrochloride;
- (x) Hydrocodone;
- (xi) Hydromorphone;
- (xii) Metopon;
- (xiii) Morphine;

- (xiv) Oxycodone;
- (xv) Oxymorphone; and
- (xvi) Thebaine.

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (b)(1) of this section, but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine.

(5) Methylbenzoyllecgonine (cocaine—its salts, optical isomers, and salts of optical isomers).

(6) Concentrate of poppy straw (The crude extract of poppy straw in either liquid, solid, or powder form which contains the phenanthrine alkaloids of the opium poppy.)

(c) Opiates. Unless specifically excepted or unless in another schedule any of the following opiates, including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrorphan and levopropoxyphene excepted:

- (1) Alfentanil;
- (2) Alphaprodine;
- (3) Anileridine;
- (4) Bezitramide;
- (5) Bulk dextropropoxyphene (nondosage forms);
- (6) Carfentanil;
- (7) Dihydrocodeine;
- (8) Diphenoxylate;
- (9) Fentanyl;
- (10) Isomethadone;
- (11) Levo-alpha-acetylmethadol - also known as levo-alpha-acetylmethadol, levomethadyl acetate or LAAM;
- (12) Levomethorphan;
- (13) Levorphanol;
- (14) Metazocine;
- (15) Methadone;
- (16) Methadone—Intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane;
- (17) Moramide—Intermediate, 2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid;
- (18) Pethidine (meperidine);
- (19) Pethidine—Intermediate—A,4-cyano-1-methyl-4-phenylpiperidine;
- (20) Pethidine—Intermediate—B,ethyl-4-phenylpiperidine-4-carboxylate;
- (21) Pethidine—Intermediate—C,1-methyl-4-phenylpiperidine-4-carboxylic acid;
- (22) Phenazocine;
- (23) Piminodine;
- (24) Racemethorphan;
- (25) Remifentanyl;
- (26) Racemorphan;
- (27) Sufentanyl.

(d) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following

substances having a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers;

(2) Methamphetamine, its salts, optical isomers, and salts of optical isomers;

(3) Phenmetrazine and its salts;

(4) Methylphenidate.

(e) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Amobarbital;

(2) Glutethimide;

(3) Pentobarbital;

(4) Phencyclidine;

(5) Secobarbital.

(f) Immediate precursors. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) Immediate precursor to amphetamine and methamphetamine:

(2) Phenylacetone: Some trade or other names phenyl-2-propanone, P2P, benzyl methyl ketone, methyl benzyl ketone.

(3) Immediate precursors to phencyclidine (PCP):

(i) 1-phenylcyclohexylamine;

(ii) 1-piperidinocyclohexanecarbonitrile (PCC).

(g) Hallucinogenic substances.

(1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved drug product. (Some other names for dronabinol [6aR-trans]-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-i-ol, or (-)-delta-9-(trans)-tetrahydrocannabinol.)

(2) Nabilone. (Another name for nabilone: (±)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one.)

[97-21-054, § 246-887-140, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 18.65.005 and 18.64.005. 94-07-105, § 246-887-140, filed 3/18/94, effective 3/18/94. Statutory Authority: RCW 18.64.005. 92-04-029 (Order 239B), § 246-887-140, filed 1/28/92, effective 2/29/92. Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. 91-18-057 (Order 191B), recodified as § 246-887-140, filed 8/30/91, effective 9/30/91. Statutory Authority: RCW 69.50.201. 89-17-023 (Order 226), § 360-36-420, filed 8/8/89, effective 9/8/89; 86-16-057 (Order 200), § 360-36-420, filed 8/1/86. Statutory Authority: RCW 69.50.201, 69.50.203, 69.50.205, 69.50.207, 69.50.209 and 69.50.211. 84-22-062 (Order 190), § 360-36-420, filed 11/7/84.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

Reviser's note: Under RCW 34.05.030 (1)(c), as amended by section 103, chapter 288, Laws of 1988, the above section was **not** adopted under the Administrative Procedure Act, chapter 34.05 RCW, but was published in the Washington State Register and codified into the Washington Administrative Code exactly as shown by the agency filing with history notes added by the code reviser's office.

Chapter 246-893 WAC

PHARMACY—PUBLIC RECORDS ACCESS PURSUANT TO INITIATIVE 276

WAC

246-893-001 through 246-893-998 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-893-001	Purpose. [Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. 91-18-057 (Order 191B), recodified as § 246-893-001, filed 8/30/91, effective 9/30/91. Statutory Authority: RCW 42.17.250. 89-09-020 (Order 224), § 360-44-010, filed 4/12/89; Order 113, § 360-44-010, filed 4/27/73.] Repealed by 97-20-167, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 18.64.005.
246-893-010	Definitions. [Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. 91-18-057 (Order 191B), recodified as § 246-893-010, filed 8/30/91, effective 9/30/91. Statutory Authority: RCW 18.64.005, 18.81.080 and 42.17.290. 83-01-083 (Order 171), § 360-44-020, filed 12/17/82; Order 113, § 360-44-020, filed 4/27/73.] Repealed by 97-20-167, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 18.64.005.
246-893-020	Description of central and field organization of the board. [Statutory Authority: RCW 42.17.250. 92-12-035 (Order 277B), § 246-893-020, filed 5/28/92, effective 6/28/92. Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. 91-18-057 (Order 191B), recodified as § 246-893-020, filed 8/30/91, effective 9/30/91; Order 113, § 360-44-030, filed 4/27/73.] Repealed by 97-20-167, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 18.64.005.
246-893-030	Operations and procedures. [Statutory Authority: RCW 42.17.250. 92-12-035 (Order 277B), § 246-893-030, filed 5/28/92, effective 6/28/92. Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. 91-18-057 (Order 191B), recodified as § 246-893-030, filed 8/30/91, effective 9/30/91. Statutory Authority: RCW 42.17.250. 89-09-020 (Order 224), § 360-44-040, filed 4/12/89. Statutory Authority: RCW 18.64.005, 18.81.080 and 42.17.290. 83-01-083 (Order 171), § 360-44-040, filed 12/17/82; Order 113, § 360-44-040, filed 4/27/73.] Repealed by 97-20-167, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 18.64.005.
246-893-040	Public records available. [Statutory Authority: RCW 42.17.250. 92-12-035 (Order 277B), § 246-893-040, filed 5/28/92, effective 6/28/92. Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. 91-18-057 (Order 191B), recodified as § 246-893-040, filed 8/30/91, effective 9/30/91. Statutory Authority: RCW 42.17.250. 89-09-020 (Order 224), § 360-44-050, filed 4/12/89; Order 113, § 360-44-050, filed 4/27/73.] Repealed by 97-20-167, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 18.64.005.
246-893-050	Public records officer. [Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. 91-18-057 (Order 191B), recodified as § 246-893-050, filed 8/30/91, effective 9/30/91. Statutory Authority: RCW 42.17.250. 89-09-020 (Order 224), § 360-44-060, filed 4/12/89; Order 113, § 360-44-060, filed 4/27/73.] Repealed by 97-20-167, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 18.64.005.
246-893-060	Office hours. [Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. 91-18-057 (Order 191B), recodified as § 246-893-060, filed 8/30/91, effective 9/30/91; Order 113, § 360-44-070, filed 4/27/73.] Repealed by 97-20-167, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 18.64.005.
246-893-070	Requests for public records. [Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. 91-18-057 (Order 191B), recodified as § 246-893-070, filed 8/30/91, effective 9/30/91. Statutory Authority: RCW 42.17.250. 89-09-020 (Order 224), § 360-44-080, filed 4/12/89; Order

113, § 360-44-080, filed 4/27/73.] Repealed by 97-20-167, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 18.64.005.

- 246-893-080 Copying. [Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. 91-18-057 (Order 191B), recodified as § 246-893-080, filed 8/30/91, effective 9/30/91. Statutory Authority: RCW 42.17.250. 89-09-020 (Order 224), § 360-44-090, filed 4/12/89; Order 113, § 360-44-090, filed 4/27/73.] Repealed by 97-20-167, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 18.64.005.
- 246-893-090 Exemptions. [Statutory Authority: RCW 42.17.250. 92-12-035 (Order 277B), § 246-893-090, filed 5/28/92, effective 6/28/92. Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. 91-18-057 (Order 191B), recodified as § 246-893-090, filed 8/30/91, effective 9/30/91. Statutory Authority: RCW 42.17.250. 89-09-020 (Order 224), § 360-44-100, filed 4/12/89; Order 113, § 360-44-100, filed 4/27/73.] Repealed by 97-20-167, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 18.64.005.
- 246-893-100 Review of denials of public records requests. [Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. 91-18-057 (Order 191B), recodified as § 246-893-100, filed 8/30/91, effective 9/30/91; Order 113, § 360-44-110, filed 4/27/73.] Repealed by 97-20-167, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 18.64.005.
- 246-893-110 Protection of public records. [Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. 91-18-057 (Order 191B), recodified as § 246-893-110, filed 8/30/91, effective 9/30/91; Order 113, § 360-44-120, filed 4/27/73.] Repealed by 97-20-167, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 18.64.005.
- 246-893-120 Index of public records available. [Statutory Authority: RCW 42.17.250. 92-12-035 (Order 277B), § 246-893-120, filed 5/28/92, effective 6/28/92. Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. 91-18-057 (Order 191B), recodified as § 246-893-120, filed 8/30/91, effective 9/30/91. Statutory Authority: RCW 42.17.250. 89-09-020 (Order 224), § 360-44-130, filed 4/12/89; Order 113, § 360-44-130, filed 4/27/73.] Repealed by 97-20-167, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 18.64.005.
- 246-893-130 Address where requests to be directed. [Statutory Authority: RCW 42.17.250. 92-12-035 (Order 277B), § 246-893-130, filed 5/28/92, effective 6/28/92. Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. 91-18-057 (Order 191B), recodified as § 246-893-130, filed 8/30/91, effective 9/30/91. Statutory Authority: RCW 42.17.250. 89-09-020 (Order 224), § 360-44-140, filed 4/12/89; Order 113, § 360-44-140, filed 4/27/73.] Repealed by 97-20-167, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 18.64.005.
- 246-893-140 Adoption of form. [Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. 91-18-057 (Order 191B), recodified as § 246-893-140, filed 8/30/91, effective 9/30/91; Order 113, § 360-44-150, filed 4/27/73.] Repealed by 97-20-167, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 18.64.005.
- 246-893-998 Appendix A—Form. [Statutory Authority: RCW 42.17.250. 92-12-035 (Order 277B), § 246-893-998, filed 5/28/92, effective 6/28/92. Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. 91-18-057 (Order 191B), recodified as § 246-893-998, filed 8/30/91, effective 9/30/91. Statutory Authority: RCW 42.17.250. 89-09-020 (Order 224), § 360-44-990, filed 4/12/89; Order 113, Appendix A (codified as WAC 360-44-990), filed 4/27/73.] Repealed by 97-20-167, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 18.64.005.

WAC 246-893-001 through 246-893-998 Repealed.

See Disposition Table at beginning of this chapter.

Chapter 246-897 WAC

PHARMACY—DRUG AVAILABILITY

WAC

- 246-897-030 Repealed.
246-897-040 Repealed.
246-897-050 Repealed.
246-897-120 Repealed.
246-897-130 Repealed.
246-897-140 Repealed.
246-897-150 Repealed.
246-897-160 Repealed.
246-897-170 Repealed.
246-897-180 Repealed.
246-897-190 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 246-897-030 License. [Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. 91-18-057 (Order 191B), recodified as § 246-897-030, filed 8/30/91, effective 9/30/91; Order 135, § 360-47-020, filed 10/5/77.] Repealed by 97-20-168, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 18.64.005.
- 246-897-040 License application. [Statutory Authority: RCW 18.64.005 and 69.41.075. 92-12-035 (Order 277B), § 246-897-040, filed 5/28/92, effective 6/28/92. Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. 91-18-057 (Order 191B), recodified as § 246-897-040, filed 8/30/91, effective 9/30/91; Order 135, § 360-47-030, filed 10/5/77.] Repealed by 97-20-168, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 18.64.005.
- 246-897-050 Good manufacturing practices. [Statutory Authority: RCW 18.64.005 and 69.41.075. 92-12-035 (Order 277B), § 246-897-050, filed 5/28/92, effective 6/28/92. Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. 91-18-057 (Order 191B), recodified as § 246-897-050, filed 8/30/91, effective 9/30/91; Order 135, § 360-47-040, filed 10/5/77.] Repealed by 97-20-168, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 18.64.005.
- 246-897-120 Availability. [Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. 91-18-057 (Order 191B), recodified as § 246-897-120, filed 8/30/91, effective 9/30/91. Statutory Authority: RCW 69.41.075 and 1981 c 50 § 1. 81-22-048 (Order 164), § 360-48-010, filed 11/2/81.] Repealed by 97-20-168, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 18.64.005.
- 246-897-130 License. [Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. 91-18-057 (Order 191B), recodified as § 246-897-130, filed 8/30/91, effective 9/30/91. Statutory Authority: RCW 69.41.075 and 1981 c 50 § 1. 81-22-048 (Order 164), § 360-48-020, filed 11/2/81.] Repealed by 97-20-168, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 18.64.005.
- 246-897-140 License application. [Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. 91-18-057 (Order 191B), recodified as § 246-897-140, filed 8/30/91, effective 9/30/91. Statutory Authority: RCW 69.41.075 and 1981 c 50 § 1. 81-22-048 (Order 164), § 360-48-030, filed 11/2/81.] Repealed by 97-20-168, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 18.64.005.
- 246-897-150 Good manufacturing practices. [Statutory Authority: RCW 18.64.005 and 69.41.075. 92-12-035 (Order 277B), § 246-897-150, filed 5/28/92, effective 6/28/92. Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. 91-18-057 (Order 191B), recodified as § 246-897-150, filed 8/30/91, effective 9/30/91. Statutory Authority: RCW 69.41.075 and 1981 c 50 § 1. 81-22-048 (Order 164), § 360-48-040, filed 11/2/81.] Repealed by 97-20-168, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 18.64.005.
- 246-897-160 Purity. [Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. 91-18-057 (Order 191B), recodified as §

246-897-160, filed 8/30/91, effective 9/30/91. Statutory Authority: RCW 69.41.075 and 1981 c 50 § 1. 81-22-048 (Order 164), § 360-48-050, filed 11/2/81.] Repealed by 97-20-168, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 18.64.005.

246-897-170 Contents. [Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. 91-18-057 (Order 191B), recodified as § 246-897-170, filed 8/30/91, effective 9/30/91. Statutory Authority: RCW 69.41.075 and 1981 c 50 § 1. 81-22-048 (Order 164), § 360-48-060, filed 11/2/81.] Repealed by 97-20-168, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 18.64.005.

246-897-180 Labeling. [Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. 91-18-057 (Order 191B), recodified as § 246-897-180, filed 8/30/91, effective 9/30/91. Statutory Authority: RCW 69.41.075 and 1981 c 50 § 1. 81-22-048 (Order 164), § 360-48-070, filed 11/2/81.] Repealed by 97-20-168, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 18.64.005.

246-897-190 Other forms of DMSO. [Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. 91-18-057 (Order 191B), recodified as § 246-897-190, filed 8/30/91, effective 9/30/91. Statutory Authority: RCW 69.41.075 and 1981 c 50 § 1. 81-22-048 (Order 164), § 360-48-080, filed 11/2/81.] Repealed by 97-20-168, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 18.64.005.

WAC 246-897-030 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-897-040 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-897-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-897-120 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-897-130 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-897-140 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-897-150 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-897-160 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-897-170 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-897-180 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-897-190 Repealed. See Disposition Table at beginning of this chapter.

Chapter 246-907 WAC

PHARMACEUTICAL LICENSING PERIODS AND FEES

WAC

246-907-020 Licensing periods.
246-907-030 Fees.

WAC 246-907-020 Licensing periods. (1) The following are established by the secretary as the licensing periods for each license specified:

(a) Pharmacist licenses will expire on February 1 of each year.

(b) Pharmacy location, controlled substance registration (pharmacy), pharmacy assistant utilization, and shopkeeper differential hours licenses will expire on June 1 of each year.

(c) All other licenses, including health care entity licenses, registrations, permits, or certifications will expire on October 1 of each year.

(2) Before the expiration date of one of the above-listed authorizations, a renewal notice will be mailed to the last mailing address of record of every authorization holder. The authorization holder is responsible for renewing the authorization prior to the expiration date regardless of whether the renewal notice has been received.

(3) Any license, permit, or registration that is not renewed on or before the expiration date established herein shall expire and shall no longer be valid to practice or conduct the activity for which it is issued. Any license, permit, or registration that has not been renewed by the expiration date shall be renewed only upon payment of the renewal fee and penalty fee as specified in WAC 246-907-030.

[Statutory Authority: RCW 43.70.040. 97-06-019, § 246-907-020, filed 2/25/97, effective 3/28/97. Statutory Authority: RCW 18.64.005. 94-14-038, § 246-907-020, filed 6/29/94, effective 7/30/94. Statutory Authority: RCW 43.70.250. 92-07-099 (Order 256), § 246-907-020, filed 3/18/92, effective 4/18/92. Statutory Authority: RCW 43.70.040. 91-19-028 (Order 194), recodified as § 246-907-020, filed 9/10/91, effective 10/11/91. Statutory Authority: RCW 18.64.005. 88-14-042 (Order 216), § 360-18-010, filed 6/30/88. Statutory Authority: RCW 18.64.005, 18.81.080 and 42.17.290. 83-01-083 (Order 171), § 360-18-010, filed 12/17/82. Statutory Authority: RCW 18.64.005 (4) and (11). 80-05-074 (Order 154, Resolution No. 4/80), § 360-18-010, filed 4/28/80.]

WAC 246-907-030 Fees. The following fees shall be charged by the professional licensing division of the department of health:

(a) PHARMACY LOCATION	
Original pharmacy fee	\$275.00
Original pharmacy assistant utilization fee	50.00
Renewal pharmacy fee	200.00
Renewal pharmacy assistant utilization fee	60.00
Penalty pharmacy fee	275.00
(b) VENDOR	
Original fee	60.00
Renewal fee	60.00
Penalty fee	60.00

(c) PHARMACIST		ARNP with prescriptive authorization	
Exam fee (full exam)	200.00	renewal fee	20.00
Reexamination fee (jurisprudence portion)	40.00	Sodium pentobarbital for animal	
Original license fee	100.00	ethanization registration fee	30.00
Renewal fee, active and inactive license	105.00	Sodium pentobarbital for animal	
Renewal fee, retired license	20.00	ethanization renewal fee	30.00
Penalty fee	105.00	Other CSA registrations	30.00
Reciprocity fee	250.00	(l) LEGEND DRUG SAMPLE - distributor	
Certification of license status		registration fees	
to other states	20.00	Original fee	275.00
Retired license	20.00	Renewal fee	200.00
Temporary permit	50.00	Penalty fee	200.00
(d) SHOPKEEPER		(m) POISON MANUFACTURER/SELLER - license fees	
Original fee	25.00	Original fee	30.00
Renewal fee	25.00	Renewal fee	30.00
Penalty fee	12.50	(n) Facility inspection fee	150.00
SHOPKEEPER - with differential hours		(o) PRECURSOR CONTROL PERMIT	
Original fee	25.00	Original fee	50.00
Renewal fee	25.00	Renewal fee	50.00
Penalty fee	12.50	(p) LICENSE REISSUE	
(e) DRUG MANUFACTURER		Reissue fee	15.00
Original fee	450.00	(q) HEALTH CARE ENTITY	
Renewal fee	450.00	Original fee	275.00
Penalty fee	450.00	Renewal	200.00
(f) DRUG WHOLESALER - full line		Penalty	275.00
Original fee	450.00	[Statutory Authority: RCW 43.70.040. 97-06-019, § 246-907-030, filed	
Renewal fee	450.00	2/25/97, effective 3/28/97. Statutory Authority: RCW 18.64.005. 94-05-	
Penalty fee	450.00	036, § 246-907-030, filed 2/8/94, effective 3/11/94; 93-18-015, § 246-907-	
(g) DRUG WHOLESALER - OTC only		030, filed 8/24/93, effective 9/24/93; 93-05-045 (Order 334), § 246-907-030,	
Original fee	250.00	filed 2/17/93, effective 3/20/93. Statutory Authority: RCW 43.70.250. 92-	
Renewal fee	250.00	07-099 (Order 256), § 246-907-030, filed 3/18/92, effective 4/18/92.	
Penalty fee	250.00	Statutory Authority: RCW 43.70.040. 91-19-028 (Order 194), recodified	
(h) DRUG WHOLESALER - export		as § 246-907-030, filed 9/10/91, effective 10/11/91. Statutory Authority:	
Original fee	450.00	RCW 43.70.250. 91-13-002 (Order 173), § 360-18-020, filed 6/6/91,	
Renewal fee	450.00	effective 7/7/91. Statutory Authority: RCW 18.64.005. 89-04-015 (Order	
Penalty	450.00	222), § 360-18-020, filed 1/23/89; 88-14-042 (Order 216), § 360-18-020,	
(i) PHARMACY ASSISTANT - Level "A"		filed 6/30/88; 88-07-011 (Order 209), § 360-18-020, filed 3/3/88; 87-18-066	
Original fee	40.00	(Order 207), § 360-18-020, filed 9/2/87. Statutory Authority: RCW	
Renewal fee	30.00	18.64.005(4). 85-22-033 (Order 196), § 360-18-020, filed 10/31/85; 85-06-	
Penalty fee	40.00	010 (Order 193), § 360-18-020, filed 2/22/85. Statutory Authority: RCW	
(j) PHARMACY INTERN		18.64.005. 84-17-142 (Order 189), § 360-18-020, filed 8/22/84; 84-04-030	
Original registration fee	15.00	(Order 184), § 360-18-020, filed 1/25/84; 83-22-034 (Order 177), § 360-18-	
Renewal registration fee	15.00	020, filed 10/26/83. Statutory Authority: RCW 18.64.005 and 18.64A.020.	
(k) CONTROLLED SUBSTANCES ACT (CSA)		83-18-021 (Order 175), § 360-18-020, filed 8/30/83. Statutory Authority:	
REGISTRATIONS		RCW 18.64.005(12). 82-12-041 (Order 168), § 360-18-020, filed 5/28/82.	
Dispensing registration fee (i.e.		Statutory Authority: RCW 18.64.005 (4) and (11). 80-08-035 (Order 155,	
pharmacies and health care entities)	65.00	Resolution No. 6/80), § 360-18-020, filed 6/26/80, effective 9/30/80; 80-05-	
Dispensing renewal fee (i.e.		074 (Order 154, Resolution No. 4/80), § 360-18-020, filed 4/28/80.]	
pharmacies and health care entities)	50.00		
Distributors registration fee (i.e.			
wholesalers)	90.00		
Distributors renewal fee (i.e.			
wholesalers)	90.00		
Manufacturers registration fee	90.00		
Manufacturers renewal fee	90.00		
ARNP with prescriptive authorization			
registration fee	20.00		

Chapter 246-915 WAC

PHYSICAL THERAPISTS

WAC

246-915-080	Repealed.
246-915-090	Repealed.

DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

246-915-080	Renewal of license. [Statutory Authority: RCW 18.74.023. 93-04-081 (Order 328B), § 246-915-080, filed 2/1/93, effective 3/4/93; 91-05-094 (Order 144B), § 246-915-080, filed 2/20/91, effective 3/23/91; 91-02-011 (Order 103B), recodified as § 246-915-080, filed 12/21/90, effective 1/31/91. Statutory Authority: RCW 18.74.023(3). 89-21-008, § 308-42-120, filed 10/6/89, effective 11/6/89; 88-23-014 (Order PM 789), § 308-42-120, filed 11/7/88. Statutory Authority: RCW 18.74.023. 84-03-055 (Order PL 455), § 308-42-120, filed 1/18/84. Statutory Authority: RCW 43.24.140. 80-04-057 (Order 337), § 308-42-120, filed 3/24/80.] Repealed by 97-20-103, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.280.
246-915-090	Change of address or name—Notification of department. [Statutory Authority: RCW 18.74.023. 94-05-014 (Order 403B), § 246-915-090, filed 2/4/94, effective 3/7/94; 91-02-011 (Order 103B), recodified as § 246-915-090, filed 12/21/90, effective 1/31/91. Statutory Authority: RCW 18.74.023(3). 89-21-009, § 308-42-121, filed 10/6/89, effective 11/6/89.] Repealed by 97-20-103, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.280.

WAC 246-915-080 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-915-090 Repealed. See Disposition Table at beginning of this chapter.

Chapter 246-919 WAC

MEDICAL QUALITY ASSURANCE COMMISSION

WAC

246-919-520	Revocation of a physician's license.
246-919-990	Physician and surgeon fees.

WAC 246-919-520 Revocation of a physician's license. This section sets forth the procedure by which a respondent may request a review by the medical quality assurance commission of its decision to revoke the respondent's license under RCW 18.71.019:

(1) If the commission issues a final order revoking a respondent's license following an adjudicative proceeding, the respondent may request a review of the decision by a review panel of the commission.

(2) The respondent shall file a written request with the commission within twenty days of effective date of the final order. The respondent may not request an extension of the twenty-day period to file a request for review.

(3) The respondent's request for review of the final order does not change the effective date of the final order.

(4) A review panel shall review the final order. The review panel is composed of the members of the commission who did not:

(a) Review the initial investigation and make the decision to issue a statement of charges against the respondent in this matter; or

(b) Hear the evidence at the adjudicative proceeding and issue the final order revoking the respondent's license.

(5) Within seven days of receipt of the request for review of the final order, a scheduling order is issued setting a date for the review hearing, and a date for the filing of

written argument by the parties. The review hearing must take place within sixty days of the respondent's request for review of the final order.

(6) The review panel shall convene in person for the review hearing on the date set in the scheduling order. If a commission member is unavailable to meet on the scheduled date, a pro tempore member shall take that person's place on the review panel. At the review hearing, the review panel:

(a) Shall review the final order;

(b) Shall review written argument presented by the parties; and

(c) May hear oral argument by the parties.

(7) If the review panel determines that revocation of the respondent's license is not the appropriate sanction, it shall issue an amended order setting the appropriate sanction(s) necessary to protect the public.

(8) If the review panel determines that revocation of the respondent's license is appropriate, it shall issue an order confirming that decision.

[Statutory Authority: RCW 18.71.019. 97-21-053, § 246-919-520, filed 10/13/97, effective 11/13/97.]

WAC 246-919-990 Physician and surgeon fees. The following nonrefundable fees shall be charged by the health professional quality assurance division of the department of health:

Title of Fee	Fee
Physician and surgeons: Chapter 18.71 RCW	
Application	\$300.00
Retired active physician license renewal	125.00
Renewal	200.00
Late renewal penalty	50.00
Surcharge for impaired physician program	25.00
State certification	50.00
Duplicate license	15.00
Temporary permit	50.00
Postgraduate limited license fees: RCW 18.71.095	
Limited license application	200.00
Limited license renewal	200.00
Surcharge-impaired physician	25.00
Limited duplicate license	15.00

[Statutory Authority: RCW 18.71.017 and 43.70.250. 97-15-100, § 246-919-990, filed 7/21/97, effective 8/21/97. Statutory Authority: RCW 18.71.017 and 18.71A.020. 96-03-073, § 246-919-990, filed 1/17/96, effective 2/17/96.]

Chapter 246-933 WAC

VETERINARIANS—VETERINARY BOARD

WAC

246-933-170	Repealed.
246-933-980	Repealed.

DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

- 246-933-170 Cooperation with the board. [Statutory Authority: RCW 18.92.030. 92-17-076 (Order 299B), § 246-933-170, filed 8/19/92, effective 9/19/92; 91-02-060 (Order 108B), recodified as § 246-933-170, filed 12/28/90, effective 1/31/91; 80-09-106 (Order PL 351), § 308-150-070, filed 7/23/80.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
- 246-933-980 Licensing/renewal/late penalty. [Statutory Authority: RCW 18.92.030. 93-08-029 (Order 353B), § 246-933-980, filed 3/30/93, effective 4/30/93. Statutory Authority: RCW 43.70.040 and 18.92.140. 92-07-036 (Order 252), § 246-933-980, filed 3/10/92, effective 4/10/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-933-980, filed 12/27/90, effective 1/31/91; Order PL 262, § 308-152-020, filed 1/13/77.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

WAC 246-933-170 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-933-980 Repealed. See Disposition Table at beginning of this chapter.

Chapter 246-935 WAC

VETERINARY ANIMAL TECHNICIANS

WAC

- 246-935-125 Repealed.

DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

- 246-935-125 Registration/renewal/late penalty. [Statutory Authority: RCW 18.92.030. 93-08-029 (Order 353B), § 246-935-125, filed 3/30/93, effective 4/30/93. Statutory Authority: RCW 43.70.040 and 18.92.140. 92-07-036 (Order 252), § 246-935-125, filed 3/10/92, effective 4/10/92.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

WAC 246-935-125 Repealed. See Disposition Table at beginning of this chapter.

Chapter 246-937 WAC

CERTIFIED VETERINARY MEDICATION CLERKS

WAC

- 246-937-100 Repealed.

DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

- 246-937-100 Renewal of certification. [Statutory Authority: Chapter 18.92 RCW. 95-04-083, § 246-937-100, filed 1/31/95, effective 3/3/95.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

WAC 246-937-100 Repealed. See Disposition Table at beginning of this chapter.

Chapter 246-976 WAC

EMERGENCY MEDICAL SERVICES AND
TRAUMA CARE SYSTEMS

WAC

- 246-976-090 Repealed.
246-976-115 Repealed.

DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

- 246-976-090 Continuing medical education—Units of learning. [Statutory Authority: RCW 43.70.040 and chapters 18.71, 18.73 and 70.168 RCW. 93-01-148 (Order 323), § 246-976-090, filed 12/23/92, effective 1/23/93.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.
- 246-976-115 Course coordinator—Responsibilities. [Statutory Authority: RCW 43.70.040 and chapters 18.71, 18.73 and 70.168 RCW. 93-01-148 (Order 323), § 246-976-115, filed 12/23/92, effective 1/23/93.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

WAC 246-976-090 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-976-115 Repealed. See Disposition Table at beginning of this chapter.

Title 251 WAC

HIGHER EDUCATION
PERSONNEL BOARD

Chapters

- 251-12 Appeals.
251-14 Collective bargaining.
251-20 Employee performance evaluation.

Chapter 251-12 WAC

APPEALS

WAC

- 251-12-270 Repealed.
251-12-600 Remedial action.

DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

- 251-12-270 Superior court appeals—Grounds—Notice requirements. [Order 61, § 251-12-270, filed 8/30/77, effective 10/1/77; Order 1, § 251-12-270, filed 9/15/69.] Repealed by 97-13-045, filed 6/13/97, effective 8/1/97. Statutory Authority: RCW 41.06.150.

WAC 251-12-270 Repealed. See Disposition Table at beginning of this chapter.